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MINISTRY OF HEALTH

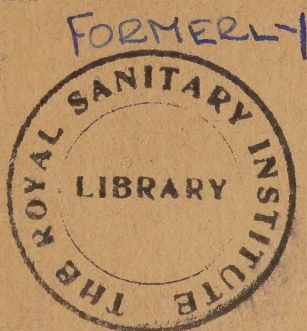
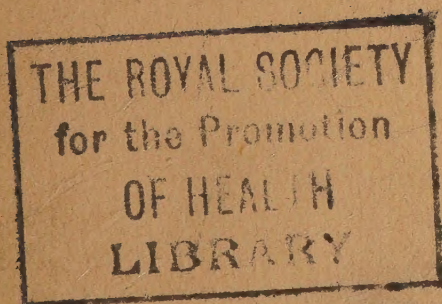
The Water Acts 1945 and 1948

HANDBOOK OF LOCAL LEGISLATION
RELATING TO WATER SUPPLY

1st AUGUST, 1948

to

31st JULY, 1949



LONDON: HIS MAJESTY'S STATIONERY OFFICE
1950

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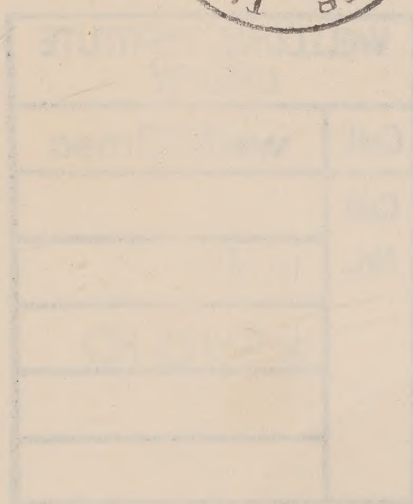
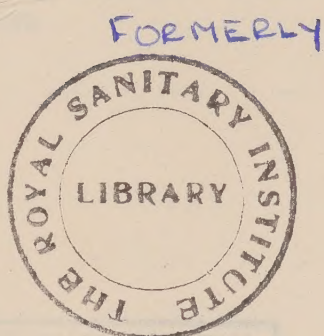
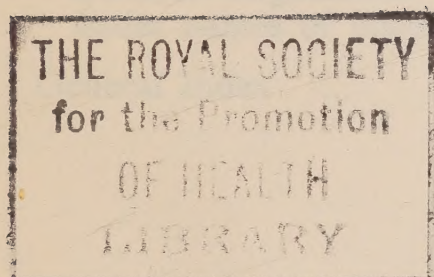


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MINISTRY OF HEALTH

The Water Acts 1945 and 1948

Handbook of Local Legislation
Relating to Water Supply
1st August, 1948
to
31st July, 1949



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PREFACE

This volume contains:

THE FULL TEXT, in order of S.I. numbers, of all orders made under the Water Act, 1945, as extended by the Water Act, 1948, between the 1st August, 1948, and the 31st July, 1949, or made before, but coming into operation or printed during, that period, except (*a*) orders under section 11 (orders authorising supply outside limits of supply) and section 24 (orders confirming compulsory purchase orders), these being of an executive rather than a legislative nature, and (*b*) orders the operation of which was suspended at the 31st July, 1948, by reason of their being subject to special parliamentary procedure or to the waiting period specified in paragraph 8 or 17 of the First Schedule to the Act of 1945.

APPENDICES setting out—

- A. a complete list, and the short effect, of orders made under section 11 of the Act of 1945 between the 1st August, 1948, and the 31st July, 1949.
- B. a complete list, and the short effect, of orders confirmed by the Minister of Health under section 24 of the above Act, between the above dates.
- C. a complete list, and the general scope, of local Acts relating to water supply passed between the above dates.

CUMULATIVE INDEX of local enactments relating to water supply (other than orders under Defence Regulations varying charges) passed or made between 1st October, 1945, and 31st July, 1949, under names of undertakers.

ALPHABETICAL INDEX.

Ministry of Health,
Whitehall, S.W.1.

WATER, ENGLAND

The Drifffield Water Order, 1948

Made - - - - 7th August, 1948

Coming into Operation 7th August, 1948

108036.

The Minister of Health, in exercise of the powers conferred on him by section 23 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

8 & 9 Geo. 6.
c. 24.

1.—(1) This order may be cited as the Drifffield Water Order, 1948.

Short and
collective
titles.

(2) The Drifffield Water Act, 1882, the Drifffield Water Company (Modification of Charges) Order, 1922(a), and this order may be cited together as the Drifffield Water Act and Orders, 1882 to 1948.

45 & 46 Vict.
c. cl.

2.—(1) The Companies Clauses Consolidation Act, 1845, except sections 56 to 60 (which relate to the conversion of borrowed money into capital) and the Companies Clauses Act, 1863, except Part IV (which relates to change of name), as amended by subsequent Acts, are, so far as applicable for the purposes and subject to the provisions of this Order, hereby incorporated with and form part of this Order.

Incorpora-
tion of
Companies
Clauses
Acts.

8 & 9 Vict.
c. 16.

(2) For the purpose of such incorporation the expression “special Act” where used in the said Acts shall be construed to mean this order and the term “Company” shall mean the Undertakers.

26 & 27 Vict
c. 118.

(3) The Companies Clauses Act, 1863, as so incorporated shall have effect as if the words “and to the same amount as” in section 22 (which contains regulations as to the creation and issue of debenture stock) were omitted.

3. In this order unless the context otherwise requires—

Interpre-
tation.

“the Undertakers” means the Drifffield Water Company;

“the undertaking” means the water undertaking of the Undertakers as for the time being authorised by any enactment;

“the North End Pumping Station” means the well or bore hole and pumping station upon the land described in the first schedule to this order;

“enactment” has the same meaning as in the Water Act, 1945.

4.—(1) The Undertakers may continue and maintain the North End Pumping Station.

Power to
maintain
works.

(2) The Undertakers may on and under the lands described in the first schedule to this order make and maintain (in addition to the works authorised by section 4 of the Third Schedule to the Water Act, 1945, as applied, to the undertaking by this order) all such wells, bores,

(a) S.R. & O. 1922 No. 155.

adits and headings as may be necessary and expedient for augmenting or improving the supply of water obtainable by means of the North End Pumping Station.

Works to form part of undertaking.

5. The North End Pumping Station shall for all purposes be deemed to form part of the undertaking, and any wells, bores, adits or headings constructed in pursuance of this order in connection with the said pumping station shall for all purposes be deemed to be part of that pumping station.

Power to take waters.

6. The Undertakers may take for the purposes of the undertaking any underground waters (not being waters flowing in a defined channel) which may be intercepted by the North End Pumping Station.

For protection of local sources of supply.

7.—(1) In this section—

“protected source” means any well, pond, spring or stream which is situate within one mile from the centre of the North End Pumping Station and is used at the commencement of this order as an effective source of supply ;

“owner” includes a lessee or occupier.

(2) If at any time it shall be proved by the owner of a protected source that pumping by the Undertakers at the North End Pumping Station has caused a diminution of the supply of water obtainable from the protected source, the Undertakers shall at their option either—

(a) afford, or cause to be afforded, to the owner a supply of water equal to the amount of the diminution, so however that any interruption of such a supply owing to frost, unusual drought or other unavoidable cause shall not be a breach of any obligation under this paragraph ; or

(b) at the expense of the Undertakers make such alterations in the pumping equipment installed at the protected source, whether by way of enlarging or altering the position of the equipment or of installing fresh equipment, as will make good the diminution ; or

(c) at the expense of the Undertakers deepen the protected source of such extent, or make such borings therein or headings therefrom, as will make good the diminution ; or

(d) make compensation in money for the diminution :

Provided that the Undertakers shall not be under any liability under this section if the owner shall have failed to afford to the Undertakers and their officers and servants free of cost at all reasonable times after the commencement of this order access to the protected source and facilities for ascertaining the level and quantity of the water therein, and such information as the Undertakers may reasonably require as to the cost to the owner of operating the protected source.

(3) A supply of water afforded by the Undertakers under paragraph (a) of the last foregoing subsection shall be afforded upon such terms as may be agreed or, failing agreement, determined by arbitration :

Provided that the charge to be made by the Undertakers for such a supply shall not exceed the amount by which the cost to the owner of obtaining his supply before the diminution exceeds the cost to him of obtaining the diminished supply.

(4) The Undertakers shall pay to the owner—

(a) in a case where they cause a supply of water to be afforded under paragraph (a) of subsection (2) of this section, the amount

by which the aggregate cost to the owner of that supply and of obtaining his diminished supply exceeds the cost to him of obtaining his supply before the diminution ;

- (b) in a case where they make such alterations as are referred to in paragraph (c) of that subsection, the amount by which the cost to the owner of obtaining after the alterations a supply equivalent to his supply before the diminution exceeds the cost to him of obtaining his supply before the diminution.

(5) All mains, pipes, meters and fittings required for the purpose of supplying water to an owner in pursuance of this section shall be provided, placed or fixed, and maintained, by and at the expense of the Undertakers :

Provided that fittings, other than mains, pipes and meters, which shall be placed or fixed upon the premises of the owner shall be repaired, maintained, renewed and made good by and at the expense of the owner to the satisfaction of the Undertakers.

(6) An owner shall, without making any charge therefor, give the Undertakers access and facilities for carrying out works in pursuance of this section.

(7) Any question which may arise between the Undertakers and an owner under this section shall be determined by arbitration.

8. The Undertakers may from time to time raise additional capital not exceeding in the whole eight thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock, or wholly or partially by one or more of those modes respectively : Additional capital.

Provided that—

- (a) the Undertakers shall not issue any share of less nominal value than ten pounds ;
- (b) it shall not be lawful for the Undertakers to create and issue under the powers of this order any greater nominal amount of capital than shall after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the sum of eight thousand pounds.

9. Except as by this order otherwise provided, the capital in new shares or stock created by the Undertakers under this order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges and incidents in all respects as if that capital were part of the capital of the Undertakers of the same class or description existing at the commencement of this order and the new shares or stock were shares or stock in that capital : New shares or stock to be subject to same incidents as other shares or stock.

Provided that, except as may be otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any such preference shares or stock.

10.—(1) The Undertakers may, subject to the provisions of this order but without the certificate of a justice, borrow on mortgage of the undertaking or by the issue of debenture stock in respect of the Power to borrow.

authorised and paid up capital of the undertaking issued at the thirty-first day of December, nineteen hundred and forty-seven, any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation of debenture stock before the coming into operation of this order) six thousand pounds.

(2) The Undertakers may also, subject to the provisions of this order, borrow on mortgage of the undertaking or by the issue of debenture stock in respect of the additional capital authorised by this order any sum or sums not exceeding in the whole one-half of the amount (including premiums and allowing for discounts) which at the time of borrowing or the issue of debenture stock have been raised by the issue of such capital, but no sum shall be borrowed in respect of the additional capital until the Undertakers have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act, 1845, that the whole of the stock or shares at the time issued, together with the premium (if any) realised on the sale thereof, have been fully paid up.

Application
of funds.

11. The Undertakers may apply to any of the purposes of this order to which capital is properly applicable any of the moneys which they have in their hands or which they have power to raise by shares, stock, debenture stock or mortgage under and by virtue of the Driffeld Water Acts and Orders, 1882 to 1948.

Application
of financial
sections of
Act of 1882.

12. The following sections of the Driffeld Water Act, 1882, shall apply to any shares, stock, debenture stock or mortgage created, issued or granted under the powers of this order, and to the holder of any such shares, stock, debenture stock or mortgage, to the like extent and in the like manner as those sections apply to any shares, stock, debenture stock or mortgage issued or granted under the powers of the Driffeld Water Act, 1882, as if the said sections with any necessary modifications were re-enacted in this order:—

Section 13 (receipts for disqualified persons) ;

Section 16 (appointment of a receiver) ;

Section 17 (debenture stock) ;

Section 18 (priority of mortgages and debenture stock).

Application
of certain
provisions
of Third
Schedule to
Water Act,
1945.

13. For the purposes of this order the provisions of the Third Schedule to the Water Act, 1945, which are set out in the first column of the second schedule to this order shall, subject to the modifications set out in the second column thereof, apply to the undertaking.

FIRST SCHEDULE

DESCRIPTION OF LAND

Land in the urban district of Driffeld in the administrative county of the East Riding of Yorkshire, containing in the whole approximately one thousand one hundred and twenty-five square yards, belonging to the Undertakers and bounded on or towards the north by the highway known as North Street, on or towards the east by the Driffeld Beck, and on or towards the south and west by land belonging to the Driffeld Urban District Council and known as the Children's Playing Field.

SECOND SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO THE WATER ACT, 1945, APPLIED

Provisions applied	Modifications
Section 4 (general power to construct subsidiary works)	The words from the beginning of the section to "abstract water" shall be omitted.
Part V (power to lay mains &c. except section 21)	—
Part VI (breaking open streets &c.)	—
Section 74 (maximum rates of dividend).	—
Section 75 (sale of stock by auction or tender)	The word "stock" shall include shares.
Section 91 (mode of reference to arbitration)	—
Section 94 (copies of special Act to be kept by undertakers in their office and deposited with certain officers).	—

Given under the official seal of the Minister of Health this seventh day of August, nineteen hundred and forty-eight.

(L.S.)

E. M. T. Firth,
Under-Secretary,
Ministry of Health.

1948 No. 1882

WATER, ENGLAND AND WALES

The Anglesey (Amlwch) Water Order, 1948

Made - - - - - 12th August, 1948

Coming into Operation 1st September, 1948

1219W

The Minister of Health in exercise of the powers conferred on him by section 10 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Anglesey (Amlwch) Water Order, 1948.

(2) The Anglesey County Council (Water &c.) Act, 1944(b), and this order may be cited together as the Anglesey Water Act and Order 1944 and 1948.

2. This order shall come into force on the first day of September, nineteen hundred and forty-eight, which day is referred to in this order as the commencement of this Order.

3. Notwithstanding anything contained in the Anglesey County Council (Water &c.) Act, 1944, Part V thereof and the other provisions therein contained relating to the supply of water shall come into operation with regard to the area described in the schedule hereto on the commencement of this order.

SCHEDULE

Description of added area

So much of the urban district of Amlwch in the County of Anglesey as is shown edged green on the map prepared in duplicate, sealed with the official seal of the Minister of Health, and marked "Map referred to in the Anglesey (Amlwch) Water Order, 1948", one copy of which has been deposited in the offices of the Welsh Board of Health and the other in the offices of the Anglesey County Council.

Given under the official seal of the Minister of Health this twelfth day of August, nineteen hundred and forty-eight.

(L.S.)

Geoffrey Crawshay,
Chairman,
Welsh Board of Health.

(a) 8 & 9 Geo. 6. c. 42.

(b) 7 & 8 Geo. 6. c. xx.

1948 No. 1906

WATER, ENGLAND

The Uckfield Water Order, 1948

Made - - - - 16th August, 1948

Coming into Operation 1st September, 1948

108303.

The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

8 & 9 Geo. 6.
c. 42.

1. This order may be cited as the Uckfield Water Order, 1948, and shall come into operation on the first day of September, 1948.

2. The local enactments specified in the schedule to this order (being enactments relating to water supply, the functions whereunder are vested in the rural district council of Uckfield) are hereby repealed, to the intent that the undertaking authorised thereby shall be carried on under the Public Health Act, 1936.

26 Geo. 5.
& 1 Edw. 8.
c. 49.

SCHEDULE

Local enactments repealed

The Uckfield Water Act, 1888 (51 and 52, Vict. c. lxxxiv).

The Uckfield Water Order, 1902, confirmed by the Gas and Water Orders Confirmation (No. 2) Act, 1902 (2 Edw. 7. c. ccviii).

The Uckfield Water Company (Modification of Charges) Order, 1923 (S.R. & O. 1923 No. 848).

The Uckfield Water Act, 1936 (26 Geo. 5. and 1 Edw. 8. c. xlii).

Given under the official seal of the Minister of Health this sixteenth day of August, nineteen hundred and forty-eight.

(L.S.)

E. Russell-Smith,
Under-Secretary,
Ministry of Health.

1948 No. 1907

WATER, ENGLAND

The Sevenoaks and Tonbridge Water Order, 1948

Made - - - - - 16th August, 1948

Coming into Operation 16th August, 1948

108019.

8 & 9 Geo. 6.
c. 42.

The Minister of Health, in exercise of the powers conferred on him by sections 9, 23 and 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

PART I

Preliminary

Short and
collective
titles.

1.—(1) This order may be cited as the Sevenoaks and Tonbridge Water Order, 1948.

(2) The Sevenoaks Water Act and Orders, 1878 to 1937, and this order may be cited together as the Sevenoaks and Tonbridge Water Act and Orders, 1878 to 1948.

Incorporation of
enactments.

2.—(1) The following enactments (so far as they are applicable to the purposes of this order and are not inconsistent with the provisions of the Sevenoaks and Tonbridge Water Act and Orders, 1878 to 1948) are hereby incorporated with this order:—

8 & 9 Vict.
c. 16.

(a) the Companies Clauses Consolidation Act, 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital), as amended by subsequent Acts;

26 & 27 Vict.
c. 118.

(b) the Companies Clauses Act, 1863, as amended by subsequent Acts.

(2) In the construction of the enactments so incorporated with this order, the expression “special Act” shall be read as a reference to this order and the expression “the undertakers” shall mean the Company.

(3) Subject to the provisions of this order, as from the date of amalgamation sections 74 and 75 of Part XV of the Third Schedule shall apply to the undertaking for the purposes of this order, with the modification that in the said section 75 the word “stock” shall be construed as including shares.

Interpre-
tation.

3. In this order, unless the context otherwise requires,—

“the Company” means the Sevenoaks Waterworks Company;

“the statement of capital” means the statement set forth in the first schedule to this order;

“the existing ordinary capital” means the capital stock of the Company amounting to sixteen thousand pounds, the one thousand and thirty-five ordinary shares of the Company of twenty pounds each, and the two thousand, three hundred and nine ordinary shares of the Company of ten pounds each, issued at the date of this order, of which particulars are set forth in the statement of capital;

“the Tonbridge Company” means the Tonbridge Water Works Company Limited;

“the liquidator” means the liquidator of the Tonbridge Company;

“the scheduled agreement” means the agreement set out in the second schedule to this order;

“the date of amalgamation” means the first day of January, the first day of April, the first day of July or the first day of October, whichever first occurs after—

(a) the date of the making of this order; or

(b) the date on which sanction is given to the liquidator in respect of the scheduled agreement in accordance with section 287 or section 298 of the Companies Act, 1948;

11 & 12
Geo. 6.
c. 38.

whichever of those dates is the later;

“the Tonbridge undertaking” means the undertaking described in clause 1 of the scheduled agreement;

“the undertaking” means the undertaking of the Company as for the time being authorised;

“the existing limits” means the limits within which the Company are authorised to supply water by the order of 1937;

“the added limits” means the areas described in the third schedule to this order;

“the limits of supply” means the limits within which the Company are for the time being authorised to supply water;

“the Act of 1878” means the Sevenoaks Water Works Act, 1878; 41 & 42 Vict. c. xiv.

“the order of 1937” means the Sevenoaks Water Order, 1937, confirmed by the Ministry of Health Provisional Order Confirmation (Sevenoaks Water) Act, 1937; 1 Edw. 8. & 1 Geo. 6. c. lxxiv.

“the Third Schedule” means the Third Schedule to the Water Act, 1945;

“the directors” means the directors of the Company.

PART II

Consolidation of existing ordinary capital

4.—(1) As from the date of amalgamation, the existing ordinary capital, together with the premiums obtained thereon as set forth in the statement of capital, shall be converted into ninety-three thousand, three hundred and six pounds (or such less amount as shall be sufficient to give effect to the provisions of this section) of stock, to be called “consolidated ordinary stock” and ranking in all respects as one and the same class of stock and conferring on the holders thereof the same rights in all respects inter se. Conversion and consolidation of existing ordinary capital.

(2) As on the date of amalgamation, there shall be created by virtue of this section ninety-three thousand three hundred and six pounds of consolidated ordinary stock (or such less amount as aforesaid) for the purposes of this section.

(3) The said consolidated ordinary stock shall be deemed to be fully paid up, and shall be divided among, and shall as from the date of amalgamation be vested without payment in, the persons who immediately before the date of amalgamation are entitled to be registered as the holders of the existing ordinary capital according to their respective holdings as follows:—

for each pound of capital stock, two pounds of consolidated ordinary stock ;

for each ordinary share of twenty pounds, twenty-eight pounds of consolidated ordinary stock ;

for each ordinary share of ten pounds, fourteen pounds of consolidated ordinary stock.

(4) The said consolidated ordinary stock shall as soon as practicable after the date of amalgamation be registered in the books of the Company in the respective names of the persons entitled thereto.

(5) Consolidated ordinary stock issued under this section shall rank for dividend as from the date of amalgamation, and as from that date the existing ordinary capital shall cease to bear any dividend in respect of any period other than the period between the last period for which a dividend was paid by the Company prior to the date of amalgamation and the date of amalgamation.

Transfer of shares in the existing ordinary capital to operate as transfers of substituted stock.

5. All transfers or other dispositions of any stock or shares in the existing ordinary capital shall after the date of amalgamation be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of consolidated ordinary stock which represent the stock or shares thereby expressed to be transferred or disposed of and are substituted therefor under the provisions of this order, notwithstanding that the instrument transferring or disposing thereof may describe them by the name or denomination which the stock or shares transferred or disposed of had before the substitution ; and the bequest of, or any covenant or provision of any deed or agreement relating to, any specific amount of any stock or number of any shares in the existing ordinary capital shall be held to apply to an amount of consolidated ordinary stock equal to that into which that specific amount of stock or number of shares shall have been converted or which shall be substituted therefor under the provisions of this order.

Certificates of stock and shares in the existing ordinary capital to be called in and others issued.

6.—(1) The Company shall call in and cancel the certificates of the stock and shares in the existing ordinary capital for which consolidated ordinary stock shall be substituted by virtue of this order, and shall issue in exchange for those certificates to the respective holders thereof, free of charge, certificates of consolidated ordinary stock to the amount to which those holders are by this order respectively entitled, but no holder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which the new certificate is to be substituted, or shall have proved to the reasonable satisfaction of the directors the loss or destruction of the existing certificate and given such guarantee or indemnity in respect thereof as the directors may require.

(2) Until the issue of new certificates the holders of existing certificates shall, according to the amount of consolidated ordinary stock to be substituted by virtue of this order for the stock and shares in the existing

ordinary capital to which their existing certificates respectively relate, have and possess the same rights and privileges as if their existing certificates were certificates for the amount of consolidated ordinary stock so to be substituted :

Provided that if any holder of stock or shares in the existing ordinary capital fail to send or deliver to the Company his existing certificate for the period of nine months after notice sent by post to his address as appearing in the shareholders' address book or the register or card index kept in lieu thereof, the Company may suspend the payment of any dividend declared or made payable upon or in respect of the consolidated ordinary stock to which he is entitled until his existing certificate is sent or delivered to the Company or until it is proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity as aforesaid is given.

7. At all general meetings of the Company (whether ordinary or extra-ordinary) after the date of amalgamation, every holder of consolidated ordinary stock of new ordinary shares or stock and of preference shares or stock to which voting rights are attached by the resolution creating the said stock or shares shall be entitled on a show of hands to one vote and on a poll to one vote and an additional vote for each complete ten pounds of the nominal value of share capital held by him beyond ten pounds.

Voting rights.

PART III

Amalgamation of Undertaking

8. Subject to the provisions of this order, on the date of amalgamation the undertaking and the Tonbridge undertaking shall be amalgamated, and accordingly on that date the Tonbridge undertaking shall by virtue of this order be transferred to and vest in the Company upon the terms of the scheduled agreement and become part of the undertaking.

Amalgamation of undertakings.

9. The name of the Company shall be changed on the date of amalgamation to the "Sevenoaks and Tonbridge Water Company", and by that name the Company shall have a common seal.

Change of name of Company.

10. Clause 1 of the scheduled agreement shall be read and have effect as if the words "the first day of April" were inserted before the words "the first day of July" and as if after the last mentioned words there were inserted the words "the first day of October."

Amendment of scheduled agreement.

11.—(1) As on the date of amalgamation there shall be created by virtue of this section and without any other requisite—

Creation of stock and preference shares to give effect to scheduled agreement.

(a) one hundred and one thousand and eighty-four pounds of consolidated ordinary stock of the Company, or such less amount as shall be necessary to give effect to the provisions of this part of this order ; and

(b) four thousand, one hundred and ninety-one redeemable preference shares of the Company of five pounds each entitled to a preferential dividend at the rate of four and one-half per centum per annum.

(2) The consolidated ordinary stock created by virtue of this section shall be consolidated with and form part of the consolidated ordinary stock of the Company created by virtue of section 4 of this order, and shall rank for dividend as from the date of amalgamation.

(3) Save as is otherwise expressly provided by this order, the holders of consolidated ordinary stock created by virtue of this section, in proportion to the nominal amount of their holding, shall after the date of amalgamation be subject and entitled to the same powers, provisions, liabilities, rights, privileges and incidents as the holders of the consolidated ordinary stock created as aforesaid.

(4) The redeemable preference shares created by virtue of this section shall be redeemable at the option of the Company on or at any time after the first day of January nineteen hundred and sixty, and shall rank *pari passu* with the preference shares of the Company entitled to a preferential rate of dividend at the rate of four per centum per annum :

Provided that before exercising the said right of redemption the Company shall give at least six months' notice of their intention so to do expiring on the said first day of January or on any subsequent thirtieth day of June or first day of January.

(5) The holders of the said redeemable preference shares shall be entitled at all meetings of the Company to the same voting rights as are conferred on the holders of the consolidated ordinary stock of the Company.

12.—(1) The consolidated ordinary stock and the redeemable preference shares created by virtue of the last preceding section shall as soon as is reasonably practicable after the date of amalgamation be issued to the liquidator for distribution in accordance with the provisions of the scheduled agreement.

(2) For the purpose of facilitating the distribution of the stock and shares referred to in subsection (1) of this section among the ordinary and preference shareholders of the Tonbridge Company, the liquidator shall not less than twenty-one days before the date of amalgamation deliver to the Company a statement containing the names and addresses of the said shareholders, and the amount of consolidated ordinary stock or the number of redeemable preference shares to which each of them is entitled under the provisions of the scheduled agreement, and the Company shall issue and deliver to the liquidator as soon as is reasonably practicable after the date of amalgamation the appropriate certificates made out in the names of the said shareholders.

(3) If pursuant to the provisions of section 287 of the Companies Act, 1948, the liquidator elects to purchase the interest of any member of the Tonbridge Company, and the purchase price of the interest is determined by arbitration in manner provided by that section—

(a) the Company shall, as soon as is reasonably practicable after a copy of the award has been transmitted to them by the liquidator, pay to the liquidator the purchase price so determined, so however that the Company shall not be liable to make any payment under this subsection before the date of amalgamation ;

(b) the amount of consolidated ordinary stock or number of preference shares, as the case may be, to be issued to the liquidator pursuant to subsection (1) of this section shall be reduced—

(i) in the case of consolidated ordinary stock, by ten pounds in respect of each original ordinary share of the Tonbridge Company entitled to a maximum dividend of ten per centum per annum, and seven pounds in respect of any other ordinary share of the Tonbridge Company ; and

(ii) in the case of the redeemable preference shares, by one share of five pounds in respect of each four and one-half per centum redeemable preference share of the Tonbridge Company ;

comprised in the interest so elected to be purchased.

13. The mortgage granted by the Tonbridge Company amounting to twenty-one thousand pounds and bearing interest at the rate of three and one-half per centum per annum, or so much thereof as shall be outstanding on the date of amalgamation, shall as from that date become and be a mortgage of the Company charged upon the undertaking in all respects as if the mortgage had been granted by the Company on the date of amalgamation, and as if the Company had been a party thereto and had been named therein instead of the Tonbridge Company.

As to mortgage of Tonbridge Company.

14. Within one month before the date of amalgamation the directors of the Tonbridge Company may, without first obtaining the sanction of that Company in general meeting, pay in respect of any part of the period of twelve months ending on the date of amalgamation dividends at such rates as, together with any dividends which have already been paid, will not exceed in the case of—

Payment of dividends by Tonbridge Company.

(a) the redeemable preference shares of the Tonbridge Company, the rate of four and one-half per centum per annum ;

(b) the original shares of the Tonbridge Company entitled to a maximum dividend of ten per centum per annum, the rate of ten per centum per annum ;

(c) the additional and “C” shares of the Tonbridge Company entitled to a maximum dividend at the rate of seven per centum per annum, the rate of seven per centum per annum.

15. The receipt in writing of the liquidator for any money or certificates paid or delivered to the liquidator on behalf of any shareholder of the Tonbridge Company shall effectually discharge the Company from the sum of money, amount of stock or number of shares which shall be acknowledged therein to have been received, and from being bound to see to the application thereof and from being answerable or accountable for the loss, misapplication or non-application thereof ; and if from any cause the Company are unable to obtain any such receipt from the liquidator they may lodge the money, stock or shares to which the certificates relate in the Supreme Court in accordance with Rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act, 1925, and a certificate given in accordance with those Rules stating that the money, stock or shares have been so lodged shall have the same effect for the purposes of this section as the receipt of the liquidator.

Receipt for consideration.

15 & 16
Geo. 5.
c. 49.

PART IV

Consequential variation of Sevenoaks limits of supply and application and repeal of local enactments

Extension of
Sevenoaks
limits of
supply and
of Sevenoaks
enactments.

16. On and after the date of amalgamation the limits of supply shall include the added limits, and the provisions of the Sevenoaks Water Act and Orders, 1878 to 1937, shall, with any necessary modifications and subject to the provisions of this order, extend to the added limits and subject as aforesaid the Company within the added limits shall have and may exercise all and the like powers, rights, privileges and authorities, and shall be subject to the like duties and obligations, as they now have and are subject to within the existing limits:

Provided that—

- (a) the provisions of sections 20 to 23, and 25 to 27 of the order of 1937 (which relate to communication pipes and service pipes) shall apply and have effect within the added limits as if the words “the date of amalgamation” were substituted for the words “the commencement of this order” wherever they occur ;
- (b) the provisions of sections 44 and 45 of the Act of 1878, as amended by subsequent enactments (which relate to charges to be made by the Company for a supply of water), shall not extend to the added limits.

Partial
repeal of
Tonbridge
enactments.

17. As from the date of amalgamation the Tonbridge Water Orders, 1886 to 1937, shall be repealed except so far as it may be necessary for any of the provisions of the said orders to remain unrepealed for the purposes of winding up the Tonbridge Company:

Provided that the provisions of the said orders mentioned in part I of the fourth schedule to this order (being provisions relating to charges for a supply of water in the added limits), and the provisions thereof mentioned in part II of that schedule, shall continue in force as respects the area as respects which and to the extent to which they were in force immediately before the date of amalgamation, and subject as aforesaid the Company shall be subject to the obligations and may exercise the rights conferred by the said provisions in all respects as if the Company had been referred to therein instead of the Tonbridge Company.

PART V

Additional capital

Additional
capital.

18. The Company may from time to time after the date of amalgamation raise additional capital not exceeding in the whole twenty-four thousand, nine hundred and thirty-four pounds by the creation and issue of further amounts of consolidated ordinary stock, or by the creation and issue of new ordinary shares or stock or of new preference shares or stock, or wholly or partly by one or more of those modes respectively:

Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of share capital than shall be sufficient to produce (including any premiums and allowing for any discounts which may be obtained or allowed on the issue thereof) the sum of twenty-four thousand, nine hundred and thirty-four pounds.

19.—(1) The Company may without further or other authority borrow on mortgage of the undertaking in respect of the share capital issued by them at the thirty-first day of December, 1946 (or in the case of the existing ordinary capital, the share capital substituted therefor by virtue of this order) any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock by the Company before the said thirty-first day of December and outstanding at the date or respective dates on which the Company exercise the powers of this subsection) seventy thousand pounds. Power to borrow.

(2) The Company may also without further or other authority at any time after the date of amalgamation borrow on mortgage of the undertaking in respect of the share capital created by virtue of section 11 of this order any sum or sums not exceeding in the whole (when added to the mortgage referred to in section 13 of this order or to so much of the said mortgage as is outstanding on the date or respective dates on which the Company exercise the powers of this subsection) sixty thousand pounds.

(3) The Company may also subject to the provisions of this order borrow on mortgage of the undertaking in respect of the share capital issued by them after the said thirty-first day of December (excluding any capital issued for the purpose of carrying into effect the conversion and consolidation of the existing ordinary capital effected by this order and the capital created by virtue of section 11 of this order) any sum or sums not exceeding in the whole fifty per centum of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such share capital:

Provided that no sum shall be borrowed in respect of any such share capital until the Company have proved to a justice, before he gives his certificate under section 40 of the Companies Clauses Consolidation Act, 1845, that the whole of the amounts payable in respect of that share capital, together with the premiums (if any) realised on the sale thereof, has been fully paid up.

20. The Company may create and issue debenture stock, subject to the provisions of Part III of the Companies Clauses Act, 1863, as amended in its application to the Company, and of section 8 of the Sevenoaks Water Order, 1930 (which regulates the priority of interest payable on debenture stock and mortgages created and issued by the Company). Debenture stock.

21. The Company shall not without the consent of the Minister pay interest at a higher rate than five pounds per centum per annum in respect of any money borrowed or any debenture stock issued after the date of this order. Limit of interest on borrowed money.

22. All mortgages granted by the Company in pursuance of or in conformity with any Act or Order before the date of this order and subsisting at the said date shall, during the subsistence of such mortgages and subject to the provisions of the Act or Order in pursuance of or in conformity with which they were granted, have priority over any mortgages granted under the authority of this order, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company. Existing mortgages to have priority.

Appoint-
ment of
receiver.

23. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth of the amount for the time being borrowed by the Company or ten thousand pounds whichever is the less.

PART VI

Further provisions as to capital

As to un-
exercised
powers of
raising
share
capital.

24. The powers of the Company remaining unexercised at the date of amalgamation of raising money by the creation and issue of new ordinary shares or stock or new preference shares or stock shall be exercisable by the Company at any time after that date by the creation and issue of additional amounts of consolidated ordinary stock, or by the creation and issue of new ordinary shares or stock or of new preference shares or stock, or wholly or partly by one or more of those modes respectively, and such unexercised powers of raising money shall not be affected by the creation of consolidated ordinary stock by virtue of section 4 or section 11 of this order.

Increase of
nominal
capital of
company.

25. As from the date of amalgamation the capital of the Company shall be increased by—

- (a) thirty-three thousand, five hundred and sixteen pounds, being the nominal increase on conversion of the existing ordinary capital of the nominal value of fifty-nine thousand, seven hundred and ninety pounds into consolidated ordinary stock of the nominal value of ninety-three thousand, three hundred and six pounds ;
- (b) one hundred and twenty-two thousand and thirty-nine pounds, being the capital to be issued in accordance with section 11 of this order ;
- (c) the additional capital sufficient to produce twenty-four thousand, nine hundred and thirty-four pounds authorised by section 18 of this order.

Application
of money.

26.—(1) All money raised under the Sevenoaks and Tonbridge Water Act and Orders, 1878 to 1948, including premiums, shall be applied only to purposes to which capital is properly applicable.

(2) The Company may apply to any of the purposes of this order to which capital is properly applicable any money which they have raised under the Sevenoaks Water Act and Orders, 1878 to 1937.

New
ordinary
capital to
rank with
existing
capital of
same class.

27. Any consolidated ordinary stock created under sections 18 and 24 of this order, and the holders thereof respectively in proportion to the amount of their stock, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges and incidents in all respects as if the said consolidated ordinary stock were part of the consolidated ordinary stock created by virtue of section 4 of this order.

28. In any case where under section 4 of this order a holder of the existing ordinary capital or where under section 12 of this order a holder of ordinary or preference shares of the Tonbridge Company would, but for the provisions of this section, be registered as the holder of a fractional part of a pound of consolidated ordinary stock, the Company, in lieu of registering the holder, and issuing a certificate made out in his name, as holder of an amount of consolidated ordinary stock including a fractional part of a pound, shall as soon as is reasonably practicable pay, in the case of a holder of the existing ordinary capital, to that person, or, in the case of a shareholder of the Tonbridge Company, to the liquidator for distribution to the holder in accordance with the scheduled agreement, a sum in cash equal to the value of that fractional part calculated at the rate of one pound five shillings in respect of each pound of nominal value of the fractional part, and shall register the holder or the liquidator, as the case may be, and issue a certificate made out in his name, as the holder of the amount of consolidated ordinary stock excluding the fractional part.

As to fractional parts of a pound.

29. The Company may either cancel all or any of the stock or shares in respect of which payment in cash has been made under the provisions of this order or issue it to any willing purchaser thereof at such times, on such terms and conditions and in such manner as the directors think advantageous to the Company, and the provisions of section 75 of the Third Schedule (which requires new shares or stock of the Company to be sold by auction or tender) shall not apply to any such issue.

Disposal of stock or shares for which cash is paid.

30.—(1) Subject to the provisions of this order, any consolidated ordinary stock issued to the holders of shares or stock in the existing ordinary capital or to the holders of the ordinary share capital of the Tonbridge Company, and any preference shares issued to the preference shareholders of the Tonbridge Company, in pursuance of this order shall be held in the same rights, on the same trusts and subject to the same powers, provisions, charges and liabilities as those in or subject to which the shares or stock in the existing ordinary share capital or the said ordinary shares or preference shares of the Tonbridge Company (as the case may be) were held immediately before the date of amalgamation, and so as to give effect to and not to revoke any deed, will or other instrument or testamentary or other disposition disposing of or affecting the said shares or stock in the existing ordinary capital or the said ordinary shares or preference shares of the Tonbridge Company, and every such deed, will, instrument or disposition shall take effect with reference to the whole or a proportionate part, as the case may be, of the said consolidated ordinary stock or preference shares.

Rights of holders of substituted securities.

(2) Any bequest of, or any covenant or provision of any deed, will or other instrument relating to, any specific number of or nominal amount of shares or stock in the existing ordinary capital or of ordinary or preference shares in the capital of the Tonbridge Company shall be held to apply to the consolidated ordinary stock or preference shares of the Company or to the sum of cash which under the provisions of this order are issued or (in the case of any sum of cash) paid in substitution for such specific number or nominal amount of shares or stock in the existing ordinary capital or specific number of shares in the capital of the Tonbridge Company, as the case may be.

(3) Trustees, executors and administrators and all other persons in any representative or fiduciary capacity and persons under disability shall accept the shares or stock of the Company issued to them or sums of cash paid to them in pursuance of this order and may hold, dispose of or otherwise deal with them in all respects as they might have held, disposed of or otherwise dealt with the shares or stock in the existing ordinary capital or the ordinary or preference shares of the Tonbridge Company for which such shares or stock or sums in cash is or are substituted.

PART VII

Consequential and miscellaneous provisions

Saving of
pending
actions.

31. Any action, arbitration or proceeding, and any cause of action, arbitration or proceeding, which shall at the date of amalgamation be pending or existing by or against or in favour of the Tonbridge Company shall not abate or be discontinued or be in any wise prejudicially affected by reason of the transfer to the Company of the Tonbridge undertaking or of anything in this order but may be continued, prosecuted and enforced by against or in favour of the Company as and when it might have been continued, prosecuted and enforced by against or in favour of the Tonbridge Company if this order had not been made but not further or otherwise.

Saving of
contracts.

32. Except as by this order otherwise provided, all contracts, agreements, conveyances, deeds, leases, licences and other instruments affecting the Tonbridge Company and in force at the date of amalgamation (other than the scheduled agreement) shall as from that date be as binding and of as full force and effect against or in favour of the Company, and may be enforced against or in favour of the Company, as fully and effectually as if instead of the Tonbridge Company the Company had been a party thereto or bound thereby or entitled to the benefit thereof ; but nothing in this order or done thereunder shall prejudice or affect the right of the Company to terminate any such contract or agreement at such time and in such manner as it might have been terminated if this order had not been made.

Transfer of
liabilities.

33. The Company shall take over, bear, pay and discharge, and indemnify the Tonbridge Company and the liquidator against, all debts and liabilities of the Tonbridge Company in respect of the Tonbridge undertaking which are outstanding on the date of amalgamation, and the Company shall observe and perform all obligations attaching to the Tonbridge Company at the said date and shall indemnify the Tonbridge Company and the liquidator against any claim or demand in respect thereof.

Collection of
outstanding
debts.

34. All rents, rates and charges and other sums and debts at the date of amalgamation due and payable or accruing due and payable to the Tonbridge Company shall be payable to, and may be collected, recovered and enforced by, the Company in the same manner and with and by the same benefits and processes as those with and by which the Tonbridge Company might have collected, recovered and enforced them, and shall belong to the Company for their own benefit.

35. All books and documents which if this order had not been made would have been evidence in respect of any matter for or against the Tonbridge Company in relation to the Tonbridge undertaking shall on and after the date of amalgamation be admitted in evidence in respect of the same or the like matter for or against the Company.

Books, etc.
to remain
evidence.

36. All officers and persons who at the date of amalgamation have in their possession or under their control any books, documents, papers, moneys or effects forming part of the Tonbridge undertaking, or to which the Tonbridge Company would but for the transfer of the Tonbridge undertaking to the Company have been entitled, shall be liable to account for and deliver them up to the Company or to such persons as the Company may appoint to receive them, and subject to the same consequences on refusal or neglect as if they had been appointed by and become possessed thereof for the Company:

Officers of
Tonbridge
Company
accountable
for books.

Provided that any books, documents and papers which relate exclusively to the shareholders in and the constitution of the Tonbridge Company, or may otherwise be necessary for the purpose of winding up the Tonbridge Company, may be retained by the liquidator so long as may be necessary for that purpose, and shall be delivered to the Company not later than the completion of the winding up of the Tonbridge Company.

37. As soon as is reasonably practicable after the date of amalgamation the Company shall as compensation for loss of office—

Compensa-
tion to
directors
auditors
and secretary
of Tonbridge
Company.

(a) pay to each director of the Tonbridge Company who shall hold office immediately before the date of amalgamation, if he also held office as such on the twenty-first day of July, 1947 (other than Thomas Muir Thomson and the two directors of the Tonbridge Company who shall be nominated to be directors of the Company in accordance with clause 12 of the scheduled agreement) a sum in cash equal to seven times the fees received by him as such director in respect of the twelve months ended on the thirtieth day of March, 1947 ;

(b) pay to the persons in office as auditors of the Tonbridge Company who shall hold office immediately before the date of amalgamation, if they also held office as such on the twenty-first day of July, 1947, such sums as may be agreed in accordance with paragraph (b) of clause 13 of the scheduled agreement ; and

(c) pay to Thomas Muir Thomson, the Engineer and Secretary of the Tonbridge Company, if holding that office immediately before the date of amalgamation, the sum of twelve thousand pounds in cash.

38. Any compensation payable under section 44 of the Water Act, 1945, in consequence of this order or anything done in pursuance of this order shall be payable by the Company.

Compensa-
tion to
officers.

39.—(1) The Company shall deliver to the Registrar of Companies a printed copy of this order, and he shall retain and register the copy, and if a copy is not so delivered within three months from the date of the making of this order the Company, and any director or manager of the Company who knowingly and wilfully authorises the default,

Registration
of copy of
order.

shall be liable on summary conviction to a fine not exceeding two pounds for each day after the expiration of those three months during which the default continues.

(2) There shall be paid to the Registrar by the Company on the copy being registered the like fee as is for the time being payable under the Companies Act, 1948, on registration of any document other than a memorandum of association or the abstract required to be delivered to the registrar by a receiver or manager, the statement required to be sent to the registrar by the liquidator in a winding-up in England or a document required to be delivered under section 416 of that Act.

Number of directors.

40. As from the date of amalgamation the number of directors shall be five, but the Company may vary the number provided that the number be not at any time more than seven or less than three.

Qualification of director.

41. As from the date of amalgamation the qualification of a director shall be the possession in his own right of consolidated ordinary stock, or of preference shares or stock to which voting rights are attached, to the nominal amount of four hundred pounds.

Amendment of section 44 of the order of 1937.

42. Section 44 of the order of 1937 (which enacts provisions for the protection of the Kent County Council) shall be read and have effect as if the following subsection were inserted after subsection (6) of that section:—

“(6A) The County Council shall not be liable for or in respect of any damage or injury done to any mains pipes or other works of the Undertakers laid fixed and executed under the powers of this Order in under or along any street or in the soil or pavement of any bridge by reason of such mains pipes or other works being laid or executed at a depth below the surface of the street or the roadway over a bridge insufficient for their protection from injury arising from the reasonable use by the County Council of any steam or other roller not exceeding fifteen tons in weight for the repair of any street or bridge or of any traction engine not exceeding that weight.”

Repeal.

43. The provisions of the Sevenoaks Water Act and Orders, 1878 to 1937, specified in part I of the fifth Schedule to this order shall be repealed on the coming into force of this order, and the provisions thereof specified in part II of the said schedule shall be repealed on the date of amalgamation.

Costs of order.

44. All costs, charges and expenses of and incidental to the application for this order and the preparation and making of this order shall be paid by the Company and may in whole or in part be defrayed out of revenue.

FIRST SCHEDULE

STATEMENT OF CAPITAL OF THE COMPANY

Act or order authorising the raising of capital	Amount authorised	Description of capital	Total amount paid up			Amount to be raised
			Nominal amount	Premiums	Total receipts	
	£		£	£	£	£
The Act of 1878	...	10% max. capital stock	16,000		16,000	
do.	...	7% max. ordinary shares (£20)	20,700		55,997	
The Sevenoaks Water Order, 1892	...	7% max. ordinary shares (£10)	23,090	12,207		
The Sevenoaks Water Order, 1900	...	4% preference shares (£10)	43,570	3,419	46,989	
The Sevenoaks Water Order, 1908	...	7% max. ordinary or preference shares				
The Sevenoaks Water Order, 1934	...					
The order of 1937	...					35,014
	£154,000		£103,360	£15,626	£118,986	£35,014

SECOND SCHEDULE

AN AGREEMENT made the twenty-first day of July One thousand nine hundred and forty-seven BETWEEN THE SEVENOAKS WATER WORKS COMPANY (hereinafter referred to as "the Sevenoaks Company") of the one part and THE TONBRIDGE WATER WORKS COMPANY LIMITED (hereinafter referred to as "the Tonbridge Company") of the other part:

Whereas the Sevenoaks Company were incorporated by the Sevenoaks Water Works Act 1878 and are authorised by the Sevenoaks Water Act and Orders 1878 to 1937 to supply water and are under the said Act and Orders supplying water within an area which comprises the urban district of Sevenoaks and the parishes of Riverhead Seal and Sevenoaks Weald in the rural district of Sevenoaks in the County of Kent.

And Whereas the Sevenoaks Company are applying to the Minister of Health (hereinafter referred to as "the Minister") for an Order under Section 33 of the Water Act 1945 (hereinafter referred to as "the Water Act") for consolidating and converting their issued ordinary share capital into consolidated ordinary stock entitled to a maximum dividend at the rate of five per centum per annum on the following basis:—

Description of Existing Capital	Amount Issued	Dividend Authorised	Amount of 5% consolidated ordinary stock to be issued
Ordinary Stock ...	£16,000	10 per centum	£2 of consolidated ordinary stock for each £1 of ordinary stock.
Ordinary shares of £20 each.	£20,700	7 per centum	£28 of consolidated ordinary stock for each £20 share.
Ordinary shares of £10 each.	£23,090	7 per centum	£14 of consolidated ordinary stock for each £10 share.

And Whereas the Tonbridge Company are a Company within the meaning of the Companies Act 1929 and under and by virtue of the Tonbridge Water Orders 1886 to 1937 are authorised to supply and are supplying water within an area which comprises the urban district of Tonbridge and the parish of Leigh in the rural district of Sevenoaks the parish of Hildenborough in the rural district of Tonbridge and the parish of Shipbourn in the rural district of West Malling all in the County of Kent.

And Whereas the authorised capital of the Tonbridge Company amounts to One hundred and twenty-seven thousand and eight hundred and sixty-nine pounds of which shares to the nominal value of one hundred and two thousand nine hundred and thirty-five pounds one shilling (including premiums) have been issued as follows:—

Description of Capital	Dividend Authorised	Amount	
		£	s. d.
Original shares of five pounds each ...	10 per centum maximum dividend.	14,870	0 0
Additional shares of five pounds each...	7 per centum maximum dividend.	10,000	0 0
" C " shares of five pounds each ...	7 per centum maximum dividend.	40,960	0 0
Redeemable Preference shares of five pounds each.	4½ per centum preferential dividend.	20,955	0 0
		86,685	0 0
Gross Premiums on Additional and " C " shares		15,108	6 9
Gross Premiums on Preference Shares		1,041	14 3
		£102,935	1 0

And Whereas the Tonbridge Company have borrowed on mortgage of their undertaking a sum of £21,000 and are paying interest thereon at the rate of three and one-half per centum per annum.

And Whereas subject as hereinafter mentioned the Sevenoaks Company and the Tonbridge Company have agreed that their several undertakings should be amalgamated and that such amalgamation should be effected in the manner hereinafter mentioned and upon and subject to the terms and conditions hereinafter contained.

Now, therefore, it is hereby agreed as follows:—

1, In this Agreement unless the context otherwise requires:—

“the intended Order or Orders” means the Order or Orders referred to in Clause 18 of this Agreement;

“the Liquidator” means the liquidator of the Tonbridge Company;

“the date of amalgamation” means the first day of July or the first day of January whichever first occurs after:—

(a) the date on which the intended Order or Orders comes or come into effect;

(b) (if the intended Orders come into effect on different dates) the date on which the last of such orders come into effect; or

(c) the date on which sanction is given to the liquidator in respect of this Agreement in accordance with section 234 or section 243 of the Companies Act 1929

whichever of those dates is the latest;

“the Tonbridge undertaking” means the whole undertaking of the Tonbridge Company including—

(a) all the lands buildings waterworks waters sources of supply works machinery mains pipes meters plant spare parts tools apparatus vehicles stock in trade stores furniture chattels effects deeds agreements contracts plans blue prints specifications engineer's opinions and reports books records vouchers letters and other documents belonging to the Tonbridge Company on the date of amalgamation;

(b) all bank balances and cash and other balances (including any balances of any reserved contingency or renewal funds and consumers' deposits) in the hands of the Tonbridge Company or in the hands of their bankers agents or servants on the date of amalgamation and investments and securities for money;

(c) all rates rents book debts and other sums of money which on the date of amalgamation are due or payable to or are accruing due to the Tonbridge Company;

(d) all assets rights powers easements interests and privileges vested in or which was enjoyed by the Tonbridge Company at the date of amalgamation;

(e) all other the real and personal property belonging to the Tonbridge Company on the date of amalgamation

but does not include—

(i) the directors' minute books and other books and papers relating exclusively to the shareholders in and the constitution of the Tonbridge Company which may be necessary to be retained for the purpose of winding up that Company;

(ii) such a sum of money as may be required to enable the Tonbridge Company or the liquidator to pay or complete the payment of the dividends which may be paid in pursuance of Clause 6 of this Agreement.

2. Subject as hereinafter provided the Tonbridge undertaking as it exists as a going concern on the date of amalgamation shall as on and from the date be amalgamated with the undertaking of the Sevenoaks Company by a transfer to a vesting in the Sevenoaks Company of the Tonbridge undertaking.

3. As part of the consideration for the said amalgamation the Sevenoaks Company shall as soon as reasonably practicable after the date of amalgamation and subject to the provisions of Clause 7 of this Agreement issue to the liquidator for distribution by him:—

(a) to the holders of ordinary shares in the capital of the Tonbridge Company consolidated ordinary stock (credited as fully paid up) of the Sevenoaks Company entitled to a maximum dividend of five per centum per annum as follows (that is to say):—

(i) To each holder of original shares in the capital of the Tonbridge Company for every such share held by him the sum of ten pounds of such consolidated ordinary stock of the Sevenoaks Company as aforesaid;

(ii) to each holder of additional or “C” shares in the capital of the Tonbridge Company for every such share held by him the sum of seven pounds of such consolidated ordinary stock of the Sevenoaks Company as aforesaid;

(b) to the holders of the redeemable preference shares of five pounds each in the capital of the Tonbridge Company to which a preferential dividend at the rate of four and one-half per centum has been assigned redeemable preference shares (credited as fully paid up) in the capital of the Sevenoaks Company as follows (that is to say):—

to each holder of redeemable preference shares for every such share held by him one redeemable preference share of the nominal value of five pounds entitled to a preferential rate of dividend at the rate of four and one-half pounds per centum per annum.

Provided that if any dissentient shareholder of the Tonbridge Company shall under section 234 or section 243 of the Company Act 1929 require the liquidator to purchase his interest the Sevenoaks Company shall pay to the liquidator a sum in cash equal to the price of the interest of such shareholder as determined in accordance with the said section 234 and such payment in cash shall be in full satisfaction and discharge of the obligations of the Sevenoaks Company under this clause and the total amount of consolidated ordinary stock or the number of redeemable preference shares of the Sevenoaks Company to be issued to the liquidator shall be reduced by an amount equal to the amount of such consolidated ordinary stock or the number of such preference shares (as the case may be) which would otherwise have been issued in respect of the holding of such dissentient shareholder.

4. As further part of the consideration for the said amalgamation the Sevenoaks Company shall take over all liability under the loan or mortgage of the undertaking of the Tonbridge Company hereinbefore referred to and the same shall as from the date of amalgamation become and be a mortgage of the Sevenoaks Company in all respects as if such mortgage had been granted by the Sevenoaks Company.

5.—(1) The Consolidated ordinary stock of the Sevenoaks Company to be issued to the holders of ordinary shares in the capital of the Tonbridge Company pursuant to Clause 3 of this Agreement shall be consolidated with and form part of the consolidated ordinary stock of the Sevenoaks Company to be created by virtue of the intended Order under Section 33 of the Water Act hereinbefore referred to and shall bear dividend as from the date of amalgamation.

(2) (a) The redeemable preference shares of the Sevenoaks Company to be issued to the holders of redeemable preference shares in the capital of the Tonbridge Company pursuant to the said Clause 3 shall be redeemable at the option

of the Sevenoaks Company on or at any time after the first day of January One thousand nine hundred and sixty and shall rank *pari passu* with the existing preference share capital of the Sevenoaks Company.

(b) The holders of the redeemable preference shares in the Capital of the Sevenoaks Company to be issued as aforesaid shall be entitled at all meetings of the Sevenoaks Company to the same voting rights as are holders of the consolidated ordinary stock of the Sevenoaks Company.

6. Notwithstanding the amalgamation hereby agreed to be made the Directors of the Tonbridge Company without first obtaining the sanction of that Company in General Meeting may pay in respect of any period ending on the date of amalgamation for which no dividends have previously been paid dividends at such rates as they may determine not exceeding in the case of—

(a) the redeemable preference shares of the Tonbridge Company the rate of four and one-half per centum per annum ;

(b) the original shares of the Tonbridge Company entitled to a maximum dividend of ten per centum per annum the rate of ten per centum per annum ;
and

(c) the additional and "C" shares of the Tonbridge Company entitled to a maximum dividend of seven per centum per annum the rate of seven per centum per annum.

7. For the purpose of facilitating the distribution of the consolidated ordinary stock and the redeemable preference shares of the Sevenoaks Company forming part of the consideration under this Agreement among the holders of ordinary and preference shares of the Tonbridge Company, the Tonbridge Company or the liquidator shall not less than twenty-one days before the date of amalgamation deliver to the Sevenoaks Company a statement containing the names and addresses of such holders and the amount of such consolidated ordinary stock or the number of redeemable preference shares of the Sevenoaks Company of which each such holder is to be registered as the holder and the Sevenoaks Company shall as soon as reasonably practicable after the date of amalgamation issue and deliver to the liquidator the appropriate certificates made out in the respective names of such holders: Provided that in every case where under the foregoing provisions of this Clause a holder of ordinary shares of the Tonbridge Company would be registered as the holder of any amount of consolidated ordinary stock including any fractional part of one pound the Sevenoaks Company in lieu of registering such holder and issuing a certificate made out in his name as holder of an amount of consolidated ordinary stock including such fractional part shall pay as soon as aforesaid to the Tonbridge Company or to the liquidator for distribution to such holder a sum in cash calculated on the basis that each one pound of consolidated ordinary stock is valued at one pound five shillings and shall register such holder and issue a Certificate made out in his name as holder of the amount of consolidated ordinary stock excluding such fractional part.

8. As remaining part of the consideration for the said amalgamation the Sevenoaks Company shall take over bear pay and discharge and indemnify the Tonbridge Company and the liquidator against all the debts and liabilities of the Tonbridge Company in respect of the Tonbridge undertaking which are outstanding on the date of amalgamation and the Sevenoaks Company shall also observe and perform all obligations attaching to the Tonbridge Company at the said date and shall indemnify the Tonbridge Company and the liquidator against any claim or demand in respect thereof.

9. On the date of amalgamation possession of the Tonbridge undertaking shall be given to the Sevenoaks Company and the Tonbridge Company and the liquidator and all other necessary parties shall execute and do all such assurances and things for vesting the Tonbridge undertaking in the Sevenoaks Company (if and so far as the same shall not be or become vested in the Sevenoaks Company without any assurance by or in pursuance of the intended Order or Orders) and for giving to the Sevenoaks Company the full benefit of this Agreement as shall be reasonably required by the Sevenoaks Company.

10. The Tonbridge Company or the liquidator shall on the date of amalgamation or soon thereafter as is reasonably practicable deliver to the Sevenoaks Company all deeds agreements books plans reports descriptions of work vouchers letters and other records of the business and proceedings of the Tonbridge Company and originals of all other drafts or writings in the possession or under the control of the Tonbridge Company or their servants or the liquidator relating to the Tonbridge Company as the Sevenoaks Company may reasonably require other than and except such books as relate exclusively to the shareholders in and the constitution of the Tonbridge Company and as may be necessary for the purpose of winding up the Tonbridge Company: Provided that such last-mentioned books shall be delivered to the Sevenoaks Company on the completion of the winding up of the Tonbridge Company.

11. As from the date of this Agreement the Sevenoaks Company and any officer thereof or engineer or accountant nominated by the Sevenoaks Company for the purpose shall have access at all reasonable times to the works offices books accounts records maps and documents of the Tonbridge Company and the Tonbridge Company and the liquidator shall give to them or him such information and assistance from time to time as may be reasonably required.

12. As from the date of amalgamation two of the directors of the Tonbridge Company to be nominated by the Tonbridge Company shall become and be directors of the Sevenoaks Company. The directors of the Tonbridge Company so nominated as aforesaid shall retire at the first annual ordinary general meeting of the Sevenoaks Company held after the date of amalgamation but subject to the provisions of the Sevenoaks Water Act and Orders 1878 to 1937 shall be eligible for re-election at that meeting as directors of the Sevenoaks Company and the Directors of the Sevenoaks Company undertake to use every means in their power to secure the confirmation at their meeting of the appointment of the two Directors of the Tonbridge Company so nominated as Directors of the Sevenoaks Company.

13. As soon as reasonably practicable after the date of amalgamation the Sevenoaks Company shall as compensation for loss of office—

(a) pay to each director of the Tonbridge Company who is in office as such immediately before the date of amalgamation and who also held office as a director of the Tonbridge Company at the date of this Agreement (other than Thomas Muir Thomson and the directors to be nominated as directors of the Sevenoaks Company in pursuance of Clause 12 of this Agreement) a sum in cash equal to seven times the amount of the fees received by him as such director in respect of the twelve months ended on the thirtieth day of March One thousand nine hundred and forty-seven ;

(b) pay to the persons holding office at the date of this Agreement as auditors of the Tonbridge Company if they shall also hold such office immediately before the date of amalgamation such a sum as may be agreed with such persons but not exceeding three times the amount of the fees received by them as such auditors as aforesaid in respect of the twelve months ended on the thirty-first day of March One thousand nine hundred and forty-seven ; and

(c) pay to Thomas Muir Thomson the Engineer and Secretary of the Tonbridge Company if holding that office on the date of amalgamation the sum of twelve thousand pounds in cash.

14. The Sevenoaks Company shall take over and employ in suitable positions such of the employees of the Tonbridge Company in the service of that Company at the date of amalgamation (other than the said Thomas Muir Thomson) as shall be willing to enter the service of the Sevenoaks Company at salaries and wages and on terms of employment not less favourable to such employees than those governing their employment under the Tonbridge Company and for the purpose of determining the amount of the retiring allowance payable to any such employee on retirement the service of such employee with the Tonbridge Company shall be deemed to have been service with the Sevenoaks Company.

15. The provisions of Section 44 of the Water Act shall apply to the employees of the Tonbridge Company (other than the said Thomas Muir Thomson) as if this Agreement were an Order under that Act.

16. From the date of this Agreement until the date of amalgamation or the determination of this Agreement the Tonbridge undertaking shall be carried on by the Tonbridge Company in the ordinary course of business but the Tonbridge Company shall not without the consent of the directors of the Sevenoaks Company:—

- (a) enter into any contract or incur any liability other than in respect of legal and accountancy charges incidental to the carrying into effect of this Agreement and other than in the ordinary course of carrying on the Tonbridge undertaking or make any unnecessary or exceptional expenditure ;
- (b) borrow on mortgage or debenture or charge or dispose of any of the assets of the Tonbridge Company or issue any capital or any debenture stock ;
- (c) alter the water rates rents or charges or the rental of meters and other appliances ;
- (d) increase the remuneration or emoluments of the directors auditors officials or employees of the Tonbridge Company beyond their usual remuneration and emoluments at the rate operative at the date of this Agreement ; or
- (e) grant any pensions or retiring gratuities.

17. From and after the date of this Agreement the Tonbridge Company shall in their general policy and in regard to the management and carrying on of the Tonbridge undertaking act in consultation with the directors of the Sevenoaks Company.

18. The Sevenoaks Company shall as soon as reasonably practicable after the date of this Agreement take the proper steps to apply for and shall use their best endeavours to obtain an Order or Orders of the Minister of Health under the Water Act containing such powers and provisions as may be necessary:—

- (1) to carry this Agreement into effect ;
- (2) to extend the limits for the supply of water by the Sevenoaks Company so as to include the whole of the limits within which the Tonbridge Company are at the date of this Agreement authorised to supply water (hereinafter referred to as “ the added limits ”) ;
- (3) to continue within the added limits or any part thereof the existing powers under the Tonbridge Water Orders 1886 to 1937 of making and recovering water rates and other charges and to authorise the Sevenoaks Company to exercise those powers within the added limits or such part thereof ;
- (4) to convert and consolidate the issued ordinary Share Capital of the Sevenoaks Company into consolidated ordinary stock entitled to a maximum dividend at the rate of five per centum per annum on the basis hereinbefore referred to ;
- (5) to require the Sevenoaks Company before the expiration of five years from the date of amalgamation to submit to the Minister proposals for securing greater uniformity in the rates and charges in the area comprising their existing limits for the supply of water and the added limits.

19. The Sevenoaks Company shall be at liberty to include in the draft or drafts of the intended Order or Orders all such provisions as they may deem necessary or expedient for the purposes other than those connected with the said amalgamation.

20. The Tonbridge Company shall at the request and at the cost of the Sevenoaks Company aid and assist the Sevenoaks Company in applying for the intended Order or Orders and so far as the Sevenoaks Company may reasonably require shall by their officers and servants support such application by evidence or as the circumstances may require.

21. The Sevenoaks Company shall at all times furnish to the Tonbridge Company full information and particulars concerning the progress of the application for the intended Order or Orders.

22.—(1) This Agreement is subject to such alterations as the Minister or Parliament may think fit to make therein and to the intended Order or Orders being made and coming into effect.

(2) This Agreement is also conditional on :—

- (a) the approval of the proprietors of the Sevenoaks Company and of the shareholders of the Tonbridge Company respectively in general meeting being obtained ;
- (b) the passing by the Tonbridge Company of a special resolution for winding up ;
- (c) the appointment of such person as the liquidator as the Sevenoaks Company may approve ;
- (d) the passing by the Tonbridge Company of a special resolution giving sanction to the liquidator in respect of this Agreement in accordance with section 234 or section 243 of the Companies Act 1929 ;
- (e) the adoption of this Agreement by the liquidator.

23. If this Agreement is not approved by the Proprietors of the Sevenoaks Company and by the shareholders of the Tonbridge Company within three months after the date of this Agreement or within such extended period as may be agreed upon between the directors of the Sevenoaks Company and the directors of the Tonbridge Company this Agreement shall become void and of no effect.

24. If the Minister or Parliament seeks or seek to make any material alteration in the terms of this Agreement or in the draft or drafts of the intended Order or Orders affecting the subject matter of this Agreement and such alteration is not agreed to by the Directors of the Sevenoaks Company and the Directors of the Tonbridge Company then either of the parties hereto may by notice in writing to the other (to be sent by registered post addressed to the Secretary of such other Company) withdraw from this Agreement and thereupon this Agreement shall become void and of no effect.

25. Any difference arising under this Agreement shall be referred to and determined by an arbitrator to be agreed upon between the parties hereto or failing such agreement to be appointed on the application of either party by the President for the time being of the Society of Parliamentary Agents and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory modification or amendment thereof for the time being in force shall apply to such reference.

In witness whereof the Companies parties hereto have respectively caused their common seals to be hereunto affixed the day and year hereinbefore first written.

The Common Seal of the Sevenoaks Water Works Company was hereto affixed in the presence of :— (L.S.)

(Sgd.) J. H. DONALDSON,
Chairman.

(Sgd.) F. VALLINS,
Secretary.

(Sgd.) L. P. PUGH,
Director.

The Common Seal of the Tonbridge Water Works Company Limited was hereto affixed in the presence of :— (L.S.)

(Sgd.) J. H. DONALDSON,
Chairman.

(Sgd.) T. MUIR THOMSON,
Secretary.

(Sgd.) J. A. IGGULDEN,
Director.

THIRD SCHEDULE

DESCRIPTION OF ADDED LIMITS

In the county of Kent—

- the urban district of Tonbridge, as existing immediately before the coming into force of the Kent Review Order, 1934 ;
- the parish of Leigh in the rural district of Sevenoaks ;
- the parish of Hildenborough in the rural district of Tonbridge ;
- the parish of Shipbourne in the rural district of West Malling.

FOURTH SCHEDULE

PROVISIONS OF TONBRIDGE WATER ORDERS, 1886 TO 1937, SAVED FROM REPEAL

PART I

Provisions relating to Charges

The Tonbridge Water Order, 1886 (confirmed by the Water Orders Confirmation Act, 1886)— 49 & 50
Vict. c.

- section 16 (rates of supply of water for domestic purposes).

The Tonbridge Water Order, 1900 (confirmed by the Water Orders Confirmation Act, 1900)— 63 & 64
Vict.
c. clxxiii.

- section 23 (rates for water closets and baths) ;
- section 24 (charges for water supplied by measure).

The Tonbridge Waterworks Company Limited (Modification of Charges) Order, 1922— S.R. & O.
1922
No. 1188.

- section 3 and the Schedule.

PART II

Other saved provisions

The Tonbridge Water Order, 1886—

- section 11 (power to acquire lands) ;
- section 13 (power to maintain existing waterworks) ;
- section 14 (as to pipes crossing the works of a railway or other company) ;
- section 15 (limits of pressure).

The Tonbridge Water Order, 1900—

- section 17 (power to acquire lands) ;
- section 19 (power to construct additional works) ;
- section 20 (for the protection of the South Eastern Railway Company) ;
- section 21 (as to pipes crossing the works of a railway or other company).

The Tonbridge Water Order, 1919 (confirmed by the Gas and Water Orders Confirmation Act, 1919)— 9 & 10
Geo. 5.
c. lxxiv.

- section 10 (power to acquire lands) ;
- section 12 (power to hold lands for protection of water works) ;
- section 14 (confirmation of existing works) ;
- section 17 (as to pipes crossing the works of a railway or other company) ;
- section 18 (for protection of South Eastern Railway Company and South Eastern and Chatham Railway Companies Managing Committee ;
- section 19 (limits of pressure) ;
- section 20 (supply in bulk to Southborough Urban District Council) ;
- section 27 (supply of water by hose pipe to stables, &c.) ;
- section 28 (supply of water to houses partly use for trade, &c.) ;
- section 29 (supply for farming purposes).

The Tonbridge Water Order, 1937 (confirmed by the Ministry of Health Provisional Order Confirmation (Tonbridge Water) Act, 1937)— 1 Edw. 8 &
1 Geo. 6.
c. lxxxvii.

- section 5 (power to construct waterworks) ;
- section 6 (limits of deviation) ;
- section 7 (completion of work) ;

section 9 (telephone wires and apparatus in streets) ;
 section 10 (for protection of Postmaster-General) ;
 section 14 (charges for horses and washing vehicles) ;
 section 18 (special terms for supplies to caravans, &c.) ;
 section 20 (erroneous registration of meter) ;
 section 31 (power to purchase water in bulk) so far as it relates to agree-
 ments in force at the date of amalgamation ;
 section 33 (for protection of electricity undertakers).

FIFTH SCHEDULE

PROVISIONS OF SEVENOAKS WATER ACT AND ORDERS, 1878 TO 1937, REPEALED

PART I

Provisions repealed on the coming into force of this order

The Act of 1878—

so much of section 3 as defines the expressions “superior court” or “court
 of competent jurisdiction” or any other like expression ;
 section 31 (as to conversion of borrowed money into capital) ;
 section 33 (priority of mortgages &c. over other debts) ;
 section 34 (application of moneys).

55 & 56 Vict. c. ccxxvi. The Sevenoaks Water Order, 1892 (confirmed by the Water Orders Confirmation Act, 1892)—

section 7 (as to conversion of borrowed money into capital) ;
 section 9 (new shares or stock to be offered by auction or tender) ;
 section 10 (when proprietor tenders same amount as any other person
 proprietor to be declared the purchaser) ;
 section 11 (purchase money of capital sold by auction to be paid within
 three months) ;
 section 12 (as to notice to be given as to sale &c. of shares and stock) ;
 section 13 (shares or stock not sold by auction or by tender to be offered
 to shareholders) ;
 section 18 (existing mortgages to have priority) ;
 section 19 (limit of interest on moneys borrowed).

63 & 64 Vict. c. clxxiii. The Sevenoaks Water Order, 1900 (confirmed by the Water Orders Confirma- tion Act, 1900)—

section 7 (as to conversion of borrowed money into capital) ;
 section 9 (new shares or stock to be offered by auction or tender) ;
 section 10 (purchase money to be paid within three months) ;
 section 11 (notice to be given as to sale of shares) ;
 section 12 (shares not sold by auction or tender to be offered to shareholders) ;
 section 13 (application of premium arising on issue of shares or stock) ;
 section 17 (existing mortgages to have priority) ;
 section 18 (limit of interest on moneys borrowed) ;
 section 20 (application of moneys raised under this Order).

8 Edw. 7. c. cxxxiii. The Sevenoaks Water Order, 1908 (confirmed by the Gas and Water Orders Confirmation Act, 1908)—

section 8 (as to conversion of borrowed money into capital) ;
 section 10 (further new capital to be sold by auction or tender) ;
 section 15 (existing mortgages to have priority) ;
 section 16 (limit of interest on moneys borrowed) ;
 section 17 (appointment of a receiver) ;
 section 18 (application of moneys raised under this Order).

20 & 21 Geo. 5. c. ciii. The Sevenoaks Water Order, 1930 (confirmed by the Ministry of Health Provisional Orders Confirmation (Cranbrook District Water and Sevenoaks Water) Act, 1930)—

section 7 (additional powers of borrowing on mortgage) ;
 section 11 (application of money).

The order of 1937—

- section 13 (power to borrow) ;
- section 14 (debenture stock) ;
- section 15 (limit of interest on money borrowed) ;
- section 16 (existing mortgages to have priority) ;
- section 18 (application of money).

PART II

Provisions repealed on the date of amalgamation

The Act of 1878—

- section 19 (capital) ;
- section 20 (vesting of capital stock in present shareholders) ;
- section 21 (company shall call in and cancel existing share certificates and issue new certificates in lieu thereof) ;
- section 22 (additional capital) ;
- section 23 (calls) ;
- section 24 (profits of the Company limited) ;
- section 25 (rateable reduction of dividends) ;
- section 36 (number of directors) ;
- section 37 (qualification of directors).

The Sevenoaks Water Order, 1892—

- section 6 (new capital) ;
- section 8 (except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock) ;
- section 14 (application of premium arising on sale of shares or stock) ;
- section 15 (limits of dividend on new capital) ;
- section 16 (dividends on different classes of shares or stock to be paid rateably).

The Sevenoaks Water Order, 1900—

- section 6 (additional capital) ;
- section 8 (except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock) ;
- section 14 (limit of dividend on capital) ;
- section 15 (prescribed rates to be paid proportionately).

The Sevenoaks Water Order, 1908—

- section 7 (additional capital) ;
- section 9 (except as otherwise provided new shares or stock to be subject to same incidents as other shares or stock) ;
- section 11 (application of premium arising on issue of shares or stock) ;
- section 12 (limits of dividends on capital) ;
- section 13 (prescribed rates to be paid proportionately).

The Sevenoaks Water Order, 1930—

- section 6 (increase of dividend on preference shares or stock reissued).

The Sevenoaks Water Order, 1934—

- sections 9 and 10.

S.R. & O.
1934
No. 799.

The order of 1937—

- section 5 (additional capital) ;
- section 7 (limits of dividend on capital) ;
- section 8 (additional capital to be subject to same incidents as existing capital) ;
- section 9 (new shares or stock of the Company to be sold by auction or tender) ;
- section 10 (dividends on different classes of ordinary capital).

Given under the official seal of the Minister of Health this sixteenth day of August, nineteen hundred and forty-eight.

(L.S.)

E. Russell-Smith,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Lymm Water Order, 1948

Dated - - - - - 20th August, 1948
Coming into Operation 1st October, 1948

M.H. 108281.

8 & 9 Geo. 6. c. 42. The Minister of Health in exercise of the powers conferred on him by section 32 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

Short and collective titles.

1.—(1) This order may be cited as the Lymm Water Order, 1948.

23 Geo. 5. c. vii.

(2) The Acts and order mentioned in the first schedule to this order, article 35 of the Cheshire and Lancashire Order, 1932, (which was confirmed by the Ministry of Health Provisional Order Confirmation (Chester and Lancaster) Act, 1933), and this order may be cited together as the Lymm Water Acts and Orders, 1874 to 1948.

Commencement of order.

2. This order shall come into force on the first day of October, 1948, which day is referred to in this order as the commencement of this order.

Interpretation.

3. In this order, unless the subject or context otherwise requires, expressions to which meanings are assigned by the Water Act, 1945, or by the Third Schedule have the same respective meanings, and—

11 & 12 Geo. 6. c. 22.

“the Third Schedule” means the Third Schedule to the Water Act, 1945, as amended by the Water Act, 1948;

“the Undertakers” means the Lymm Urban District Council;

“the undertaking” means the water undertaking for the time being of the Undertakers;

37 & 38 Vict. c. xxix.

“the Act of 1913” means the Lymm Urban District Council Act, 1913.

The Third Schedule incorporated with existing Acts and orders.

4. On and after the commencement of this order, the Third Schedule (except sections 2, 7 and 8 and Parts III and XV) shall apply to the undertaking and be incorporated with each of the Acts and the order mentioned in the first schedule to this order.

Repeal of local enactments.

5.—(1) The enactments mentioned in the second schedule to this order are hereby repealed to the extent therein specified.

52 & 53 Vict. c. 63.

(2) Without prejudice to the operation of section 38 of the Interpretation Act, 1889,—

(a) all agreements and other instruments entered into or made before the commencement of this order under any enactment repealed by this order by or with the Undertakers or any trustee or person acting on behalf of the Undertakers, or by or with any other person to whose rights or liabilities the Undertakers have succeeded, and in force immediately before the commencement of this order, shall be as binding and of as full force and effect in every respect against or in favour of the Undertakers, and be enforceable as fully and effectually, as if the enactments under which they were made had not been repealed;

(b) all byelaws made by the Undertakers and in force immediately before the commencement of this order shall (subject to the provisions of subsection (6) of section 19 of the Water Act, 1945) continue in force in like manner and to the like extent as if the enactments under which they were made had not been repealed ;

(c) all notices and demands given or made under any enactment mentioned in the second schedule to this order and in force immediately before the commencement of this order shall continue in force in like manner and to the like extent as if the enactment had not been repealed.

6.—(1) In section 4 of the Act of 1913, for the word “ Acts ” where it first occurs there shall be substituted the word “ enactments ”.

Amendment
of local
enactments.

(2) Section 15 of the Act of 1913 (which relates to the rates to be charged for a supply of water for domestic purposes and rates for water closets and private baths) shall have effect as if—

(a) for references to a dwelling house or part of a dwelling house there were substituted references to premises ;

(b) for references to rateable value there were substituted references to net annual value ;

(c) the paragraphs commencing “ Provided that all inns ”, “ In addition to the rates ”, “ For the purposes of this section ”, and “ Provided that where the water rate ” were omitted.

(3) The following provision shall be substituted for section 16 of the Act of 1913:—

“ 16. The prescribed sum for the purposes of section 48 of the Third Schedule to the Water Act, 1945 (which empowers undertakers in certain circumstances to make an additional charge where water supplied for domestic purposes and paid for by water rate is used for other purposes) shall be twenty shillings.”

FIRST SCHEDULE

LIST OF ACTS AND ORDER RELATING TO THE UNDERTAKING

The Lymm Water Act, 1874 (37 & 38 Vict. c. xxix).

The Lymm Urban District Council Act, 1913 (3 & 4 Geo. 5. c. xxxi).

The Lymm Water (Modification of Charges) Order, 1928 (S.R. & O. 1928, No. 257).

SECOND SCHEDULE

LOCAL ENACTMENTS REPEALED

The Lymm Water Act, 1874—

Section 35.

The Act of 1913—

Paragraphs (1) and (2) of section 3, sections 16 to 22, 24 to 29, and 31 to 38, and, so far as they relate to water supply, subsections (1), (2) and (7) of section 91 and sections 96, 98, 100 to 108, 110, 112 and 113.

Given under the official seal of the Minister of Health this twentieth day of August, nineteen hundred and forty-eight.

(L.S.)

E. Russell Smith,
Under Secretary,
Ministry of Health.

1948 No. 1976

WATER, ENGLAND

The West Cheshire Water Board Order, 1948

Made - - - - - 26th August, 1948

Coming into Operation 1st September, 1948

M.H. 108373.

8 & 9 Geo. 6.
c. 42.

Citation and
commence-
ment.

The Minister of Health, in exercise of the powers conferred on him by section 10 of the Water Act, 1945, and of all other powers enabling him in that behalf hereby orders as follows :—

1.—(1) This order may be cited as the West Cheshire Water Order, 1948, and the West Cheshire Water Board Acts, 1925 and 1927, and this order may be cited together as the West Cheshire Water Board Acts and Order 1925 to 1948.

(2) This order shall come into force on the first day of September, 1948.

2. In this order, unless the context otherwise requires,—

“the Board” means the West Cheshire Water Board ;

“the Council” means the Ellesmere Port Urban District Council ;

“the Acts of 1925 and 1927” means the West Cheshire Water Board Acts, 1925 and 1927 ;

“the existing limits” means the limits within which the Board are by the Acts of 1925 and 1927 authorised to supply water ;

“the added limits” means so much of the urban district of Ellesmere Port as is not included in the existing limits.

3.—(1) The existing limits are hereby extended so as to include the added limits.

(2) The provisions of the Acts 1925 and 1927 shall with any necessary modifications extend to the added limits, and accordingly the Board shall have the same rights and be subject to the same obligations in relation to the added limits as under the said Acts they have and are subject to within the existing limits.

4.—(1) Upon the coming into force of this order all mains, pipes, apparatus, machinery and plant (fixed and moveable) and all works in the added limits (hereinafter called “the said works”) more particularly described in an agreement (hereinafter called “the agreement”) dated the sixteenth day of December, 1947, and made between the Council of the one part and the Board of the other part then vested in the Council shall by virtue of this order be transferred to and vest in the Board.

(2) The Board shall take over the balance outstanding upon the coming into force of this order of the two loans which were advanced by the Public Works Loan Board to the Chester Rural District Council and are specified in the schedule to the agreement.

(3) All rents, rates and charges and other sums and debts on the coming into force of this order due and payable or accruing due and payable to the Council shall be payable to, and may be collected, recovered and enforced for their own benefit by, the Council.

(4) Any question, difference or dispute which shall arise between the Board and the Council with regard to the transfer of the said works shall be referred to arbitration in accordance with the provisions of section 91 to the Third Schedule to the Water Act, 1945.

Given under the official seal of the Minister of Health this twenty-sixth day of August, nineteen hundred and forty-eight.

(L.S.)

E. Russell Smith,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Wisbech Water Order, 1948

Made - - - - - 28th July, 1948

Coming into Operation 9th September, 1948

M.H. 108007.

8 & 9 Geo. 6.
c. 42. The Minister of Health, in the exercise of the powers conferred on him by sections 23 and 26 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

PART I

Preliminary

Citation. 1.—(1) This order may be cited as the Wisbech Water Order, 1948.

(2) The Wisbech Water Acts and Orders, 1864 to 1946, and this order may be cited together as the Wisbech Water Acts and Orders, 1864 to 1948.

Incorporation of enactments. 2.—(1) The following enactments (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this order) are hereby incorporated with this order:—

8 & 9 Vict.
c. 16. (a) the provisions of the Companies Clauses Consolidation Act, 1845, as amended by subsequent Acts with respect to the following matters:—

- the distribution of the capital of the Company into shares ;
- the transfer or transmission of shares ;
- the payment of subscriptions and the means of enforcing the payment of calls ;
- the forfeiture of shares for non-payment of calls ;
- the remedies of creditors of the Company against the shareholders ;
- the general meetings of the Company and the exercise of the right of voting by the shareholders ;
- the making of dividends ;
- the giving of notices ; and
- the provisions to be made for affording access to the special Act by all parties interested ;

26 & 27 Vict.
c. 118. (b) Part I (relating to cancellation and surrender of shares) and Part II (relating to additional capital) of the Companies Clauses Act, 1863, as amended by subsequent Acts.

(2) In the construction of the enactments so incorporated with this order—

(a) the expression “ special Act ” shall be read as a reference to this order ;

(b) the expression “ company ” shall mean the undertakers.

(3) For the purposes of this order the provisions of the Third Schedule which are specified in the first column of the schedule to this order shall, subject to the modifications set out in the second column thereof, apply to the undertaking, and are hereby incorporated with this order.

3.—(1) In this order the several words and expressions to which meanings are assigned by the enactments incorporated with this order shall, unless the context otherwise requires, have the same respective meanings. Interpretation.

(2) In this order, unless the context otherwise requires—

“enactment” has the same meaning as in the Water Act, 1945 ;

“the undertakers” means the Wisbech Water Works Company ;

“the deposited plans” and “the deposited sections” mean respectively the plans and sections submitted to the Minister of Health in connection with the application for this order, which plans and sections have, for the purposes of identification, been sealed with the seal of the said Minister ;

“the Third Schedule” means the Third Schedule to the Water Act, 1945, as amended by subsequent enactments ;

“the undertaking” means the undertaking of the undertakers as for the time being authorised by any enactment.

PART II

Construction of Works

4.—(1) Subject to the provisions of this order, the undertakers may, in the lines and situations and upon the lands delineated on the deposited plans and according to the levels shown on the deposited sections, make and maintain the following works in the parish of Marham in the rural district of Downham in the county of Norfolk :— Power to construct works.

Work No 1.—An intake and pumping station on the left bank of the River Nar in the enclosure numbered 367 in the said parish on the 1/2500 ordnance map (second edition of 1905) Norfolk sheet XLVI.14 ;

Work No. 2.—An approach road commencing at the pumping station comprised in the said Work No. 1 and terminating at the southern boundary of the enclosure numbered 367 in the said parish on the 1/2500 ordnance map (second edition of 1905) Norfolk sheet XLVI.14.

(2) The undertakers may also, subject to the provisions of Parts V and VI of the Third Schedule as incorporated with this order, lay mains connecting Work No. 1 authorised by the foregoing subsection with their existing waterworks.

(3) The works authorised by this section shall for all purposes be deemed to form part of and be comprised in the undertaking.

5. For the protection of the River Great Ouse Catchment Board (in this section referred to as “the Board”) the following provisions shall, unless in any particular case it is otherwise agreed in writing between the undertakers and the Board, apply and have effect :— For protection of River Great Ouse Catchment Board.

(1) The undertakers shall construct so much of Work No. 1 authorised by the last foregoing section as will be situate in, under or over the River Nar or the banks thereof in accordance with plans, sections, designs and particulars previously submitted to and approved by the Board and in all respects to the reasonable satisfaction of the Board :

Provided that approval under this subsection shall not be unreasonably withheld.

(2) If at any time the undertakers fail to maintain the said portion of the said Work No. 1 the undertakers shall, upon the receipt of not less than seven days' notice requiring them so to do, execute and do all such works and things as the Board may in the notice reasonably require for the purpose of making good the failure; and if the undertakers fail to comply with the notice the Board may themselves execute and do such works and things as afore-said, and in case of emergency (of which the Board shall be the sole judge) the Board may themselves execute and do such works and things as they reasonably consider necessary for the said purpose, and the reasonable expenses incidental to the preparation and giving of any such notice and the execution and doing of any such works and things by the Board shall be repaid to the Board by the undertakers.

(3) Any difference which may arise between the undertakers and the Board under this section shall be referred to an arbitrator to be appointed, failing agreement between the undertakers and the Board, by the President of the Institution of Civil Engineers.

Amendment
of section 14
of local Act
of 1907.

6. Section 14 of the Wisbech Water Works Act, 1907 (which provides that the undertakers shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired after the passing of that Act unless the works and the lands are specified in an Act of Parliament) shall have effect for the purposes of this order as if at the end thereof there were inserted the words "or an order made under an Act of Parliament."

PART III

Abstraction of water

Power to
take water.

7.—(1) Subject to the provisions of this order, the undertakers may by means of the intake forming part of the said Work No. 1, take from the River Nar for any of the purposes of the undertaking a quantity of water not exceeding one million five hundred thousand gallons in any one day of twenty-four hours reckoned from midnight to midnight.

(2) The prescribed flow for the purposes of subsection (3) of section 10 of the Third Schedule shall be a flow of forty thousand gallons an hour.

(3) The Wisbech Water Order, 1943(a), made under the Defence (General) Regulations, 1939, shall cease to have effect upon the completion of the said Work No. 1.

PART IV

Financial provisions

Additional
capital.

8. In addition to the capital already authorised to be raised by the undertakers they may from time to time raise additional capital to such amount as shall be sufficient to produce, after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue or re-issue thereof, an amount not exceeding in the whole one hundred and thirty-five thousand, five hundred and thirty-four pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively.

(a) S.R. & O. 1943 No. 1755.

9. Except as by this order otherwise provided, the capital in new shares or stock created by the undertakers under this order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges and incidents whatsoever in all respects as if that capital were part of the capital of the undertakers of the same class or description existing at the date of the making of this order and the new shares or stock were shares or stock in that capital.

New shares or stock to be subject to same incidents as other shares or stock.

10. All money raised under this order, including premiums, shall be applied only to purposes of the undertaking to which capital is properly applicable, and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this order shall not be considered as part of the capital of the undertakers entitled to dividend.

Application of money.

SCHEDULE

PROVISIONS OF THIRD SCHEDULE APPLIED

Provisions applied	Modifications
Part II, except sections 3 and 7.	<p>In section 2, for the words “the plans submitted to the Minister” there shall be substituted the words “the deposited plans” and for the words “the said plans”, wherever they occur, there shall be substituted the words “the deposited sections”.</p> <p>In section 4, for the words from the beginning of the section to the words “abstract water” there shall be substituted the words “Subject to the provisions of section 14 of the Wisbech Water Works Act, 1907”.</p>
In section 10, subsections (3), (4), (5) and (7).	<p>In subsection (4) the words “subsection (1) or” and the words from “or fail” to the end of the paragraph, and in subsection (5) the words “and the discharge of water into”, shall be omitted.</p>
Part V, except section 21.	
Part VI.	
Sections 74 and 75.	<p>In section 75 the word “stock” shall include shares.</p>
Section 92.	

Given under the official seal of the Minister of Health this twenty-eighth day of July nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Stroud Water Order, 1948

Made - - - - - 20th September, 1948

Coming into Operation 20th September, 1948

M.H. 107710.

The Minister of Health, in exercise of the powers conferred upon him by section 10 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the Stroud Water Order, 1948, and the Stroud District Water Board &c. Act, 1939, and this order may be cited together as the Stroud District Water Board Act and Order, 1939 and 1948.

2. In this order unless the context otherwise requires—
 “the Corporation” means the mayor, aldermen and citizens of the city of Gloucester in the county of the city of Gloucester;
 “the Board” means the Stroud District Water Board;
 “the local Act” means the Stroud District Water Board &c. Act, 1939.

3.—(1) The limits within which the Board are authorised under the local Act to supply water are hereby varied so as to include the area which is described in the schedule to this order.

(2) The provisions of the local Act shall, with any necessary modifications, extend to the said area, and accordingly the Board shall have the same powers, and shall be subject to the same obligations, in relation to the said area as under the local Act they have and are subject to within the limits within which they were authorised to supply water immediately before the coming into force of this order.

4. The area which is described in the schedule to this order is hereby excluded from the limits within which the Corporation are authorised to supply water, and accordingly the local enactments relating to the water undertaking of the Corporation shall cease to apply to the said area.

THE SCHEDULE

So much of the parish of Standish in the rural district of Gloucester in the county of Gloucester as lies to the east and south of a line commencing at the point where the easterly boundary of the railway line from Gloucester to Stroud of the British Transport Commission intersects with the southerly boundary of the said parish, thence along the easterly boundary of the said railway to the centre of the Arle Brook, thence along the centre line of the Arle Brook to the point where the said brook emerges from the lake situate to the east of Standish Park Farm, and thence by a straight line in an easterly direction to the point on the easterly boundary of the said parish where the public road leading from Randwick in a north-easterly direction meets the said boundary.

Given under the official seal of the Minister of Health this twentieth day of September, nineteen hundred and forty-eight.

(L.S.)

H. Symon,
 Under Secretary,
 Ministry of Health.

WATER, ENGLAND AND WALES

The Tredegar Urban District Council Water Order, 1948

Made - - - - 21st September, 1948
Coming into Operation 1st October, 1948

1226W.

The Minister of Health, in exercise of the powers conferred on him by section 10 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the Tredegar Urban District Council Water Order, 1948, and the local Acts and this order may be cited together as the Tredegar Urban District Council Water Acts and Orders, 1878 to 1948.

8 & 9 Geo. 6.
c. 42.

Short and
collective
titles.

2. This order shall come into operation on the first day of October, 1948, which day is referred to in this order as the commencement of this order.

Commence-
ment of
order.

3. In this order, unless the context otherwise requires—

Interpreta-
tion.

“the added limits” means so much of the urban district of Tredegar as is not included in the existing limits;

“the Ebbw Vale Council” means the Ebbw Vale Urban District Council;

“enactment” has the same meaning as in the Water Act, 1945;

“the existing limits” means the limits within which the Tredegar Council are by the local Acts authorised to supply water;

“the local Acts” means so much of the Tredegar Water and Gas Act, 1878, the Tredegar Water and Gas Act, 1882, and the Tredegar Order, 1888 (confirmed by the Local Government Board’s Provisional Orders Confirmation (No. 7) Act, 1888), as relates to the Tredegar undertaking, the Tredegar Waterworks Act, 1892, so much of the Tredegar Urban District Council Act, 1920, as relates to the Tredegar undertaking, and the Tredegar Urban District Council Water Order, 1947;

41 Vict.
c. lxvii.
45 & 46 Vict.
c. clxxx.
51 & 52 Vict.
c. cxxi.
55 & 56 Vict.
c. lxxxviii.
10 & 11
Geo. 5.
c. lxxix.

“the Tredegar Council” means the Tredegar Urban District Council;

“the Tredegar undertaking” means the water undertaking of the Tredegar Council as for the time being authorised by any enactment.

4. On and after the commencement of this order the existing limits shall extend to and include the added limits and the provisions of the local Acts shall with any necessary modifications extend to the added limits, and accordingly the Tredegar Council shall have the same powers, rights, privileges and authorities, and be subject to the same duties and obligations in relation to the added limits as under the local Acts they have and are subject to within the existing limits.

Variation of
Tredegar
limits of
supply.

5. On and after the commencement of this order the added limits shall be excluded from the limits of supply of the Ebbw Vale Council, and accordingly the enactments relating to the water undertaking of the Ebbw Vale Council shall cease to apply to the added limits.

Variation of
Ebbw Vale
limits of
supply.

Vesting of
waterworks
in added
limits.

6.—(1) On the commencement of this order so much of the water undertaking of the Ebbw Vale Council as is situate within the added limits (hereafter in this section referred to as “the Ebbw Vale waterworks”) shall by virtue of this order be transferred to and vest in the Tredegar Council freed and discharged from all charges affecting the same and shall for all purposes be deemed to form part of the Tredegar undertaking.

4 & 5 Geo. 6.
c. xiii.

(2) The Tredegar Council shall pay to the Ebbw Vale Council as compensation for the transfer of the Ebbw Vale waterworks such sum as may be agreed or determined in accordance with subsection (2) of section 91 of the Ebbw Vale Urban District Council Act, 1941.

(3) The sum payable to the Ebbw Vale Council under the last foregoing subsection shall be payable—

(a) if the sum is agreed, on the commencement of this order ;

(b) if the sum is determined by arbitration in accordance with the aforesaid subsection (2) of section 91, within one month of the date of the arbitration award :

Provided that if the said sum is not paid on the appropriate date as provided in this subsection interest shall be payable thereon at the rate of two and a half per cent. per annum from the date on which the sum became payable.

(4) All rents, rates and charges and other sums and debts on the commencement of this order due and payable or accruing due and payable to the Ebbw Vale Council in respect of the Ebbw Vale waterworks shall be payable to and may be collected, recovered and enforced for their own benefit by the Tredegar Council.

Application
of s. 94 of
Third
Schedule of
Water Act,
1945.

7. For the purposes of this order, section 94 of the Third Schedule to the Water Act, 1945 (which requires copies of the special Act to be kept by undertakers in their office and deposited with certain officers) shall apply to the Tredegar undertaking.

Costs of
order.

8. The costs of this order shall be payable by the Tredegar Council.

Given under the official seal of the Minister of Health this
twenty-first day of September, nineteen hundred and forty-eight.

(L.S.)

Geoffrey Crawshay,
Chairman,
Welsh Board of Health.

WATER, ENGLAND

The Tees Valley Water Order, 1948

Made - - - - 24th September, 1948

Coming into Operation 24th September, 1948

M.H. 108295

The Minister of Health, in exercise of the powers conferred on him by sections 23 and 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows :—

8 & 9 Geo. 6.
c. 42.

1.—(1) This order may be cited as the Tees Valley Water Order, 1948.

Short and
collective
titles.

(2) The Tees Valley Water Acts and Orders, 1907 to 1947, and this order may be cited together as the Tees Valley Water Acts and Orders, 1907 to 1948.

2. In this order, unless the context otherwise requires, the expressions to which meanings are assigned in Part I of the Third Schedule to the Water Act, 1945, shall have the same respective meanings, and—

Interpreta-
tion.

“the Minister” means the Minister of Health ;

“the Board” means the Tees Valley Water Board ;

“the undertaking” means the water undertaking of the Board as for the time being authorised by any enactment ;

“the Corporation” means the mayor, aldermen and burgesses of the county borough of Darlington ;

“the existing weir” means the weir (Work No. 1) authorised by section 78 of the Darlington Corporation Act, 1930 ;

20 & 21
Geo. 5.
c cxxi

“the Third Schedule” means the Third Schedule to the Water Act, 1945.

3. For the purposes of this order, the provisions of the Third Schedule which are set out in the first column of the second schedule to this order shall, subject to the modifications set out in the second column thereof, apply to the undertaking.

Application
of provisions
of Third
Schedule.

4.—(1) The Board may make and maintain in, on or over the land described in the first schedule to this order the following works :—

Power to
construct
works

Work No. 1—an intake in the River Tees ;

Work No. 2—a pumping station.

(2) The said works shall for all purposes be deemed to form part of the undertaking.

(3) Subject to the provisions of Parts V and VI of the Third Schedule, as applied to the undertaking by this order, the Board may lay mains connecting the said Work No. 2 with their waterworks as from time to time existing.

5. Section 32 of the Tees Valley Water (Consolidation) Act, 1907 (which prescribes the quantity of water which the Board may take from the River Tees), shall be read and have effect as if—

Amendment
of section 32
of Act of
1907

(a) the words “the Acts and orders from time to time relating to the Board” were substituted for the words “this Act” ;

7 Edw. 7.
c. lxxx.

- (b) the words "13.2 million gallons in any one day reckoned from twelve o'clock at noon on one day to twelve o'clock at noon on the following day" were substituted for the words "sixty million gallons in any one such week as aforesaid"; and
- (c) the following proviso were inserted at the end of that section:—

"Provided further that the Board shall not—

- (a) take water from the said river by means of the pumping station at Broken Scar aforesaid and the intake and pumping station (Work No. 1 and Work No. 2) authorised by the Tees Valley Water Order, 1948, at such a rate as will reduce the rate of flow in the said river over the weir (Work No. 1) authorised by section 78 of the Darlington Corporation Act, 1930, as existing on the first day of March, 1948, below the rate of twenty-two million gallons per day; so however that nothing in this section shall prohibit the Board from taking from the said river by means of the said pumping station at Broken Scar and the said intake and pumping station (Work No. 1 and Work No. 2) authorised by the said order of 1948 a quantity of water not exceeding eight million five hundred thousand gallons in any day reckoned as aforesaid;
- (b) increase the rate of pumping at the said pumping stations in any period of any day reckoned as aforesaid beyond the rate required during that period for the purpose of taking the said quantity of eight million five hundred thousand gallons in a day by more than half the rate by which the rate of flow for the time being over the said weir exceeds the rate of twenty-two million gallons per day."

Amendment
of second
schedule of
order of
1946.
S.R. & O.
1946
No. 1969.

6. The modifications to section 4 of the Third Schedule set out in the second column of the second schedule to the Tees Valley Water Order, 1946, shall be read and have effect as if the words "subsection (1) of section 7 of the Tees Valley Water Act, 1923" were substituted for the words "section 13 of the Tees Valley Water Act, 1920".

Appointment
of advisory
committee
in respect of
existing weir
and the
banks of
the Tees.

7.—(1) As soon as may be after the coming into operation of this order there shall be established a joint advisory committee of the Corporation and the Board consisting of an equal number (not exceeding three each) of representatives appointed by the Corporation and the Board respectively (hereafter in this section referred to as "the Committee").

(2) The Committee shall advise the Corporation and the Board on all matters in connection with the maintenance, reconstruction, alteration and supervision of and additions to the existing weir, and the maintenance, reconstruction, alteration and supervision of the banks of the river Tees for such distance above or below the existing weir as those banks may be affected by the existence of the said weir.

(3) In the event of any failure by the Corporation and the Board to agree on any matter the subject of advice by the Committee, either party (after notice to the other) may refer the matter to the Minister, and the Minister may determine it himself or, if he thinks fit, refer it for determination by an arbitrator appointed by him.

As to cost of
maintaining
existing weir.
20 & 21
Geo. 5.
c. lxix.

8.—(1) Notwithstanding anything in section 71 of the Tees Valley Water Act, 1930 (which authorises contributions by the Board towards the maintenance of the existing weir) in respect of the period ending on the thirty-first day of March, 1949, and each subsequent year the

Board and the Corporation respectively shall each be responsible for and pay on demand one half of so much of any cost incurred from time to time in the maintenance, reconstruction or alteration of the existing weir as may be agreed between the Board and the Corporation, or failing such agreement as may be determined by the Minister to be necessary.

(2) The reconstruction or alteration of the existing weir may include the addition thereto of fish passes, meter houses, measuring apparatus and protective works of whatever description and the maintenance thereof.

FIRST SCHEDULE

LAND ON WHICH WORKS MAY BE CONSTRUCTED AND MAINTAINED
UNDER THIS ORDER.

Lands belonging to the Board and situate on the north side of the river Tees and comprising the enclosure numbered 238 in the county borough of Darlington on the 1/2500 ordnance map Durham sheet LIV.12 (edition of 1914), and so much of the enclosure numbered 240 in the said county borough on the said sheet comprising the bed of the river as extends from the boundary between the said county borough and the rural district of Darlington to a point 10 chains or thereabouts east thereof.

SECOND SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO THE WATER ACT, 1945, APPLIED.

Provision applied.	Modification.
Section 2 (permissible limits of deviation).	—
Section 4 (general power to construct subsidiary works).	For the words from the beginning of the section to the words “abstract water” there shall be substituted the words “Subject to the provisions of subsection (1) of section 7 of the Tees Valley Water Act, 1923”, and for the words “any land for the time being held by them in connection with their water undertaking” there shall be substituted the words “the land described in the special Act”.
Section 6 (penalty for obstructing construction of works).	—
Part V (power to lay mains, &c.) except section 21.	—
Part VI (breaking open streets &c.).	—
Section 92 (liability of undertakers to pay compensation).	—
Section 94 (copies of special Act to be kept by undertakers in their office, and deposited with certain officers).	—

Given under the official seal of the Minister of Health this twenty-fourth day of September nineteen hundred and forty-eight.

(L.S.)

H. Symon,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Cranleigh District Water Order, 1948

Made - - - - - 30th September, 1948
Coming into Operation 30th September, 1948

M.H. 108390,

8 & 9 Geo. 6. c. 42. The Minister of Health, in exercise of the powers conferred on him by sections 23 and 32 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation. 1.—(1) This order may be cited as the Cranleigh District Water Order, 1948.

(2) The Cranleigh District Water Orders, 1886 and 1926, and this order may be cited together as the Cranleigh District Water Orders, 1886 to 1948.

Interpretation. 2. In this order, unless the context otherwise requires,—
“the undertakers” means the Cranleigh and Chiddingfold Water Company Limited;

“the undertaking” means the water undertaking of the undertakers as for the time being authorised by any enactment;

“enactment” has the same meaning as in the Water Act, 1945;

49 & 50 Vict. c. lx. “the order of 1886” means the Cranleigh Water Order, 1886 (confirmed by the Water Orders Confirmation Act, 1886);

16 & 17 Geo. 5. c. lvi. “the order of 1926” means the Cranleigh District Water Order, 1926 (confirmed by the Ministry of Health Provisional Orders Confirmation (No. 7) Act, 1926).

Additional capital. 3. Notwithstanding anything contained in the order of 1886, the undertakers may from time to time raise additional share capital not exceeding in the whole fifteen thousand pounds after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof.

Power to borrow. 4.—(1) The amount of all money borrowed by the undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one half of the amount of the capital of the undertakers at the time actually raised by the issue of shares, including any premium that may have been or may be obtained on the sale of any such shares.

(2) No higher rate of interest than five pounds per centum per annum shall be paid by the undertakers without the consent of the Minister of Health in respect of any moneys borrowed by the undertakers after the date on which this order comes into force and secured as aforesaid.

Application of moneys. 5. All moneys, including premiums, raised under this order shall be applied only to the purposes of the undertaking to which capital is properly applicable, and any sum of money which may arise by way of premium from the issue of shares under the provisions of this order shall not be considered as part of the capital of the undertakers entitled to dividend.

Application of certain provisions of Third Schedule to Water Act, 1945. 6. For the purposes of this order the provisions of the Third Schedule to the Water Act, 1945, which are set out in the schedule to this order shall apply to the undertaking.

7. The provisions of section 75 of the Third Schedule to the Water Act, 1945 (which requires all ordinary or preference stock of undertakers who are a company to be offered for auction or tender) are hereby applied to the undertaking, and shall be incorporated with the order of 1886, the order of 1926, and the foregoing provisions of this order, with the following modifications:—

Incorporation of s. 75 of Third Schedule to Water Act, 1945.

- (a) the word “stock” shall be construed as including shares;
- (b) the following subsections shall be inserted at the end of the section:—

“(5) Notwithstanding anything in the foregoing provisions of this section, the undertakers may, with the approval of the Minister and subject to such conditions as he may impose—

(a) before offering for sale by auction or tender any ordinary or preference shares which they propose to issue, offer the shares to the consumers of water supplied by the undertakers and persons in the employ of the undertakers, or to either of those classes of persons, at the value thereof at the time of the offer;

(b) offer any such shares for subscription by the public at the value thereof at the time of the offer in lieu of offering them by public auction or tender.

(6) For the purposes of subsection (5) of this section the value of any shares at the time of the offer thereof shall be deemed to be the average price at which, according to the undertakers' books, sales of shares of the same class were effected within the period of six months immediately preceding the date on which the value of the shares is required to be determined, or, if there has been only one sale or no sale of such shares during that period, then the price at which the last sale of such shares was effected, making due allowance not exceeding five per centum for any probable change in value since the date of the offer due to the accrual or payment of dividend or any other cause.”

8. The under-mentioned provisions of the order of 1886 and of the order of 1926 are hereby repealed:—

Order of 1886—

Article 8 (limit of borrowing powers);

Order of 1926—

Article 53 (new capital to be sold by auction or tender);

Article 54 (power to borrow).

THE SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO THE WATER ACT, 1945, APPLIED

Section 74 (maximum rates of dividend).

Section 94 (copies of special Act to be kept by undertakers in their office, and deposited with certain officers).

Given under the official seal of the Minister of Health this thirtieth day of September nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under Secretary
Ministry of Health.

WATER, ENGLAND AND WALES

The Prescelly Water Order, 1948

Made - - - - - 28th September, 1948
Coming into Operation 28th September, 1948

1201W.

8 & 9 Geo. 6. c. 42. The Minister of Health, in exercise of the powers conferred on him by section 9 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

PART I

Preliminary

- | | |
|---|---|
| <p>Short Title.</p> <p>Division of Order into Parts.</p> <p>Interpretation.</p> <p>23 & 24 Geo. 5. c. 51.</p> <p>20 Geo. 5. c. lviii.</p> <p>2 & 3 Geo. 6. c. lxviii.</p> | <p>1. This order may be cited as the Prescelly Water Order, 1948.</p> <p>2. This order is divided into Parts as follows:—</p> <p style="padding-left: 20px;">Part I.—Preliminary ;</p> <p style="padding-left: 20px;">Part II.—Constitution of Board ;</p> <p style="padding-left: 20px;">Part III.—Transfer of Prescelly Undertaking ;</p> <p style="padding-left: 20px;">Part IV.—Supply of Water, etc. ;</p> <p style="padding-left: 20px;">Part V.—Financial and Miscellaneous.</p> <p>3.—(1) In this order, unless the context otherwise requires:—</p> <p style="padding-left: 40px;">“ the Act of 1933 ” means the Local Government Act, 1933 ;</p> <p style="padding-left: 40px;">“ the Act of 1930 ” means the Milford Haven Urban District Council Act, 1930 ;</p> <p style="padding-left: 40px;">“ the Act of 1939 ” means the Milford Haven and Tenby Water Act, 1939 ;</p> <p style="padding-left: 40px;">“ the Act of 1945 ” means the Water Act, 1945 ;</p> <p style="padding-left: 40px;">“ the aggregate capital expenditure of the undertaking ” means the aggregate capital expended for the time being by the Board and by the Milford Council upon the Prescelly undertaking ;</p> <p style="padding-left: 40px;">“ the appointed day ” means the first day of October nineteen hundred and forty-eight ;</p> <p style="padding-left: 40px;">“ the Board ” means the Prescelly Water Board constituted by this order ;</p> <p style="padding-left: 40px;">“ the clerk ” means the clerk of the Board ;</p> <p style="padding-left: 40px;">“ constituent area ” means the area for the time being in which a constituent authority is authorised to supply water ;</p> <p style="padding-left: 40px;">“ constituent authorities ” means the Haverfordwest Council, the Tenby Council, the Milford Council and the Rural Council, and</p> <p style="padding-left: 40px;">“ constituent authority ” means one of those Councils ;</p> <p style="padding-left: 40px;">“ enactment ” has the same meaning as in the Act of 1945 ;</p> <p style="padding-left: 40px;">“ the filter works ” means the filter works described in the definition of the Prescelly undertaking ;</p> <p style="padding-left: 40px;">“ year ” means a year commencing on the first day of April ;</p> |
|---|---|

“the Haverfordwest Council” means the council of the borough of Haverfordwest ;

“the Milford Council” means the Milford Haven Urban District Council ;

“the Milford main” means the ten-inch main together with all meters thereon from the recording meter mentioned in the definition of the Prescelly undertaking in this subsection in the parish of Henry’s Moat to the service reservoir of the Milford Council situate in the parish of Steynton in the rural district of Haverfordwest being Work No. 1 authorised by the Act of 1930 ;

“the Minister” means the Minister of Health ;

“the Prescelly undertaking” means :—

(a) the following works, namely :

- (1) the impounding reservoir situate in the parishes of Henry’s Moat and Morvil in the rural district of Haverfordwest in the county of Pembroke known as the Prescelly Reservoir being Work No. 4 authorised by the Act of 1930 as enlarged under section 5 of the Act of 1939 ;
- (2) the filter works in the said parish of Henry’s Moat being Work No. 2 authorised by the Act of 1930 together with the recording meter provided under paragraph (c) of subsection (2) of section 11 of the Act of 1930 ;
- (3) the line of pipes in the said parish of Henry’s Moat being Work No. 3 authorised by the Act of 1930 from the Prescelly Reservoir to the said filter works ;
- (4) The sewage purification works in the parish of Maenclochog in the rural district of Narberth in the county of Pembroke situate on the western side of the North Pembrokeshire branch of British Railways, Western Region, to the south of Rosebush Station and bounded on the south-west by the Puncheston-Maenclochog Road and on the east or south-east by the said branch railway ;
- (5) the six-inch sewer in the said parish of Maenclochog from the manhole at the back of the terrace of houses known as Rosebush Terrace and running in a southerly direction first on the eastern side of the said North Pembrokeshire branch railway thence under the railway and thence on the western side of the said railway to the said sewage purification works ;

(b) all lands, buildings, plant, gauges, easements, rights, powers, authorities and privileges vested in or exerciseable by the Milford Council for the purposes of or in relation to such reservoir and other works, including the right to take, intercept, impound and divert water in or by such reservoir and works ;

“the Rural Council” means the Haverfordwest Rural District Council ;

“statutory securities” has the same meaning as in Part IX of the Act of 1933 ;

“ the Third Schedule ” means the Third Schedule to the Act of 1945 :

“ the Tenby Council ” means the council of the borough of Tenby ;

“ the undertaking ” means the water undertaking of the Board for the time being authorised.

(2) When the day on which anything is required by this order to be done is a Sunday, Good Friday, Christmas Day or a bank Holiday, that thing shall be done on the next following day not being one of the days before mentioned.

Incorporation and application of provisions of Third Schedule.

4. The provisions of the Third Schedule which are set out in the first schedule to this order are hereby applied to the undertaking and shall be incorporated accordingly with this order and, so far as may be appropriate for the purposes thereof, with any local enactment transferred by this order to the Board :

Provided that in section 12 of the Third Schedule for the words “ first occasion on which ” to the word “ enactments ” there shall be substituted the words “ appointed day ” and in sections 19, 20 and 22 of the Third Schedule for the words “ their limits of supply ” there shall be substituted the words “ the parishes of Henry’s Moat and Morvil in the rural district of Haverfordwest and the parish of Maenclochog in the rural district of Narberth.”

PART II

Constitution of Board

Constitution of Board.

5.—(1) For the purposes of acquiring, managing and carrying on the Prescelly undertaking and of supplying water in bulk therefrom and generally for the purpose of carrying the powers of this order into execution there shall be constituted and appointed as by this order provided a joint board of fifteen members, each of whom shall be a member of the constituent authority by whom he is appointed.

(2) The joint board shall be a body corporate by the name of the “ Prescelly Water Board ” and shall have perpetual succession and a common seal and power to acquire and hold land for the purposes of their constitution without licence in mortmain.

(3) Until the maximum daily quantities of water to be supplied to the constituent authorities have been revised in accordance with subsection (1) of section 23 of this order, eight members of the Board shall be appointed by the Milford Council, three members by the Haverfordwest Council, three members by the Rural Council and one member by the Tenby Council.

(4) After any revision made in accordance with subsection (1) of section 23 of this order of the maximum daily quantities of water to be supplied to the constituent authorities, the representation on the Board of the constituent authorities shall be such as the Minister may, on the application of the Board or of a constituent authority, by order determine :

Provided that under any order made by the Minister under this subsection the representation on the Board of the constituent authorities shall be as nearly as possible in proportion to the revised maximum daily quantities of water for the time being reserved for the constituent authorities, and the total number of the members of the Board shall not exceed fifteen.

(5) A constituent authority may nominate in writing under the hand of their clerk a deputy for any member appointed by them to attend any meeting of the Board, in place of the member so appointed who for any reason is unable to attend that meeting, and vote therein.

(6) A person who is a member of two or more constituent authorities shall not be qualified to represent more than one of them, and if the same person shall be appointed a member of the Board by more than one constituent authority he shall within one month after the second appointment choose under which appointment he shall serve and the other appointment shall be deemed void, and in the event of his failing to make a choice within that period then the second and subsequent appointment shall be deemed void

6.—(1) Each constituent authority shall at a meeting to be held before the appointed day appoint the number of members of the Board to be appointed by them, and the members so appointed shall come into office on the appointed day. Appointment
of members
of Board.

(2) Subject to the provisions of this order the members of the Board shall retire from office on the first day of June in the year nineteen hundred and forty-nine and in every year thereafter.

(3) Any vacancy in the representation of any constituent authority on the Board which will occur or will exist on the first day of June in any year shall be filled by that authority at a meeting held before the thirty-first day of May in that year.

(4) Every member of the Board appointed under subsection (3) of this section shall come into office upon the first day of June following his appointment unless he is appointed to fill a casual vacancy in which event he shall come into office upon his appointment.

(5) A retiring member shall subject to the provisions of this order be eligible for re-appointment.

(6) The clerk of each constituent authority shall forthwith after the appointment of any member of the Board by that authority notify the name, address and description of the member appointed—

(a) in the case of a first appointment, to the clerk of the Milford Council ; and

(b) in the case of each subsequent appointment, to the clerk.

7.—(1) A member of the Board who ceases to be a member of the constituent authority by whom he was appointed or otherwise becomes disqualified shall thereupon cease to be a member of the Board : Tenure of
Office.

Provided that a member of the Board shall not be deemed to have ceased to be a member of the constituent authority by whom he was appointed if on or before the day on which he goes out of office he has been re-elected a member of that authority.

(2) A member of the Board may resign his membership by sending to the clerk notice in writing of his desire to do so, whereupon a casual vacancy shall be deemed to have arisen.

(3) Any member of the Board may be removed at any time by a resolution of the constituent authority by whom he was appointed and such member shall cease to be a member of the Board as from the date of such resolution.

(4) Where any member of the Board becomes disqualified for holding office or vacates his office by absence or otherwise or is removed from office the clerk shall forthwith notify the clerk of the constituent authority by whom the member was appointed of the vacancy.

(5) Any casual vacancy in the membership of the Board shall be filled as soon as practicable by the constituent authority concerned and the member so appointed shall come into office on his appointment and shall hold office during the remainder of the term of office of the person in whose place he is appointed:

Provided that it shall not be obligatory upon a constituent authority to fill any casual vacancy arising within two months before the first day of June in any year.

(6) Sections 59, 63 and 76 of the Act of 1933 shall apply to the Board as if the Board were a local authority other than a parish council and as if in subsections (1) and (8) of the said section 76 there were added after the word "area" the words "comprising the districts of the constituent authorities."

Meetings and proceedings.

8. The meetings and proceedings of the Board shall be conducted in accordance with the rules set out in the second schedule to this order.

Chairman and Vice-Chairman.

9.—(1) The Board shall at their first meeting and subsequently at their annual meetings appoint one of their number to be chairman, and the chairman shall, unless he resigns his office or ceases to be a member of the Board, continue in office until his successor is appointed.

(2) The Board may at their first meeting and at any annual meeting appoint one of their number to be vice-chairman, and the vice-chairman shall, unless he resigns his office or ceases to be a member of the Board, continue in office until immediately after the election of the chairman at the next annual meeting.

Casual vacancy in Office of Chairman or Vice-Chairman.

10.—(1) On a casual vacancy occurring in the office of chairman or vice-chairman of the Board the vacancy shall be filled by the appointment by the Board of one of their number at a meeting held as soon as practicable after the vacancy occurs, and where the office vacant is that of chairman the meeting may be convened by the clerk.

(2) The person appointed under this section to fill a casual vacancy shall hold office until the date upon which the person in whose place he is appointed would regularly have retired and he shall then retire.

Committees.

11.—(1) The Board may appoint committees composed of their members for the exercise of any functions which in the opinion of the Board can properly be exercised by committees, but the acts of every such committee shall, unless otherwise directed by the Board, be submitted to the Board for approval:

Provided that a committee so appointed shall not be authorised to borrow money or to issue any precept for contributions or to enter into any contract.

(2) The provisions of section 96 of the Act of 1933 shall apply to the Board as if the Board were a local authority.

12.—(1) The Board shall appoint a clerk, a treasurer and an engineer and may appoint such other officers and servants as they think requisite. Appointment and remuneration of Officers &c.

(2) The Board may pay their clerk, treasurer, engineer and other officers and servants such reasonable remuneration as they deem expedient, and the clerk, treasurer, engineer and other officers and servants shall be removable by the Board at their pleasure.

13. For the purposes of their functions under this order the Board are hereby vested with all the functions rights and liabilities of a local authority under the provisions of section 265 of the Public Health Act, 1875, which affords protection to local authorities, their members and officers from personal liability, and under those provisions of the Act of 1933 mentioned in the third schedule to this order, and the said provisions shall apply accordingly with the necessary modifications to the Board and their members and officers: Application of provisions of Public Health Act, 1875 (38 & 39 Vict. c. 55) and Act of 1933.

Provided that in subsection (1) of section 287 and in section 288 of the Act of 1933 for the words “area of the local authority” there shall be substituted the words “the parishes of Henry’s Moat and Morvil in the rural district of Haverfordwest and the parish of Maenclochog in the rural district of Narberth.”

PART III

Transfer of Prescelly Undertaking

14.—(1) On the appointed day the Prescelly undertaking shall by virtue of this order be transferred to and vest in the Board freed and discharged (except as in this order otherwise expressly provided) from all charges, debts and liabilities affecting the same and shall be carried on, used, exercised and enjoyed by the Board for the purpose and according to the provisions of this order and (subject to those provisions) as the same would or might have been carried on, used, exercised and enjoyed by the Milford Council if this order had not been made and from and after the appointed day the Prescelly undertaking shall cease to form part of the water undertaking of the Milford Council. Transfer to Board of Prescelly undertaking.

(2) The Milford Council shall on the appointed day hand to the Board all plans, sections and other documents prepared for or in connection with the construction and maintenance of the Prescelly undertaking.

15. Until the appointed day the Milford Council shall maintain and carry on the Prescelly undertaking as heretofore in the ordinary course of business as part of their water undertaking, but the Milford Council shall not without the previous consent of the other constituent authorities under the hands of their respective clerks make or enter into any new contract, agreement, liability or other obligation in respect of the Prescelly undertaking which shall extend beyond the appointed day, except such as shall be in the ordinary course of maintenance and proper conduct of the Prescelly undertaking as part of the water undertaking of the Milford Council. Obligations on Milford Council.

16. The Milford Council shall be entitled to all rates, rents, profits and sums of money and shall discharge and pay all outgoings and liabilities in respect of the Prescelly undertaking accruing due up to or which shall have accrued due or become payable prior to the appointed day, and the Board shall be entitled to all rents, profits and sums of money and shall discharge and pay all outgoings and liabilities in respect of the Provisions as to receipts and outgoings.

Prescelly undertaking which shall accrue due or become payable on and after the appointed day, and where necessary all such outgoings shall be apportioned between the Milford Council and the Board.

Transfer to Board of certain powers of Milford Council.

17. Subject to the provisions of this order, the Board shall as from the appointed day have the powers and rights of and be subject to the obligations contained in the local enactments which are set out in the fourth schedule to this order as if the Board were named in those enactments instead of the Milford Council :

Provided that the recording meter required under paragraph (c) of subsection (2) of section 11 of the Act of 1930 may consist of two or more such meters in parallel.

Saving from effect of transfer.

18. Notwithstanding the transfer to the Board of the Prescelly undertaking, the following provisions shall have effect :—

(a) If on the appointed day any action, arbitration or proceeding or any cause of action, arbitration or proceeding is pending or existing by against or in favour of the Milford Council, the same shall not abate or be discontinued or in anywise prejudicially affected by reason of such transfer, but may so far as the same relates to the Prescelly undertaking be continued, prosecuted and enforced by against or in favour of the Board as and when it might have been continued, prosecuted and enforced by against or in favour of the Milford Council if this order had not been made ;

(b) Except as in this order otherwise expressly provided, all agreements, conveyances, contracts, deeds and other instruments entered into or made with or by the Milford Council and in force at the appointed day shall so far as the same relate to the Prescelly undertaking be as binding and of as full force and effect in every respect against or in favour of the Board and may be enforced as fully and effectually as if instead of the Milford Council the Board had been a party thereto ;

(c) All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Milford Council shall be admitted in evidence in respect of the same or the like manner for or against the Board.

Consideration for transfer.

19.—(1) The Board shall pay to the Milford Council as consideration for the transfer to the Board of the Prescelly undertaking under the foregoing provisions of this order such sums as shall be agreed upon between the constituent authorities or, failing agreement, be determined by a single arbitrator to be agreed upon by the constituent authorities or (failing agreement) to be appointed by the President for the time being of the Institution of Civil Engineers on the application of the Milford Council on the one hand or the other constituent authorities on the other hand after notice in writing to the others, and subject as aforesaid, the provisions of the Arbitration Acts, 1889 to 1934, or any statutory modification thereof for the time being in force shall apply to the determination or reference.

52 & 53 Vict.
c. 49.
14 & 15
Geo. 5. c. 39.
20 & 21
Geo. 5. c. 15.
24 & 25
Geo. 5. c. 14.

(2) In so far as the consideration payable under subsection (1) of this section represents outstanding loans of the Milford Council, the Board and the Milford Council (with the consent of any person from whom the Milford Council have borrowed money for the purposes of the Prescelly undertaking) may enter into and carry into effect agreements for the transfer to the Board by the Milford Council of any such

outstanding loan or loans, and as from the date upon which such transfer takes effect all liability in respect of any loan or loans so transferred shall be borne by the Board.

(3) Any capital sum to be paid by the Board to the Milford Council under subsection (1) of this section shall be applied in such manner as the Minister may approve.

20.—(1) Any officer or servant who immediately before the appointed day is employed by the Milford Council exclusively at or in connection with the Prescelly undertaking (in this section referred to as “transferred officer”) shall on the appointed day be transferred to and become an officer or servant of the Board.

Transfer of
and com-
pensation
to officers.

(2) Every transferred officer shall hold office by the same tenure and upon the same terms and conditions as immediately before the appointed day and while performing similar duties shall receive in respect thereof not less salary or remuneration than that to which he would have been entitled if this order had not been made.

(3) Any compensation payable under section 44 of the Act of 1945 shall be paid by the Board.

PART IV

Supply of Water &c.

21. Subject to the provisions of this order, the Board may as from the appointed day maintain, repair and use the works transferred to them by virtue of this order.

Maintenance
&c. of
transferred
works.

22. From and after the appointed day the Board shall (subject to the provisions of this order) supply water to the constituent authorities in accordance with the following provisions:—

Supply of
water to
constituent
authorities.

(1) the Milford Council shall be entitled to be supplied with water by the Board to a total quantity not exceeding in any one day of twenty-four hours eight hundred and fifty thousand gallons;

(2) the Haverfordwest Council and the Rural Council shall each be entitled to be supplied with water by the Board to a total quantity not exceeding in any one day of twenty-four hours three hundred thousand gallons;

(3) the Tenby Council shall be entitled to be supplied with water by the Board to a total quantity not exceeding in any one day of twenty-four hours one hundred thousand gallons:

Provided that if the Tenby Council shall give to the Board three months' notice expiring at any time after the completion of both the Tenby main described in the fifth schedule to this order and so much of the joint supply main also described in the said schedule as lies between the northern terminus of the Tenby main and the filter works and prior to the first day of July nineteen hundred and fifty-three, there shall be substituted for “one hundred thousand” such a maximum (not exceeding three hundred thousand) as the Board and the Tenby Council may agree;

(4) the constituent authorities may be supplied by the Board with any surplus water at the disposal of the Board in such quantities and on such terms as the Board may determine;

- (5) the water to be supplied by the Board to each constituent authority shall be filtered water of pure and wholesome quality and suitable for all domestic purposes within the constituent area and shall unless otherwise agreed between the Board and the constituent authority be supplied in accordance with the provisions contained in the fifth schedule to this order.

Revision of maximum quantities of water to constituent authorities.

23.—(1) Any constituent authority may, by one month's notice to the Board expiring on or before the first day of January nineteen hundred and fifty-four or the first day of January of every tenth year thereafter, require the respective maximum quantities of water specified in the last preceding section of this order to be reconsidered, and as from the first day of April nineteen hundred and fifty-four or the first day of April of every tenth year thereafter, as the case may be, the said maximum quantities of water shall be such as may be agreed between the Board and the constituent authorities or, in default of agreement, determined by arbitration in the manner provided by section 91 of the Third Schedule, and the last preceding section of this order shall be read and have effect accordingly.

(2) Notwithstanding anything contained in this order, after one month's notice to the Board given within six months from the date of the Board's obtaining power to appropriate not less than one hundred thousand gallons of water per day of twenty-four hours in excess of the two million gallons authorised to be appropriated by section 7 (Discharge of compensation water) of the Act of 1939 (as transferred to the Board by this order), the Milford Council and the Tenby Council or either of such Councils shall be entitled to be supplied with water by the Board as follows:—

- (i) the Milford Council to a total quantity not exceeding in any one day of twenty-four hours one million one hundred thousand gallons ;
- (ii) the Tenby Council to a total quantity not exceeding in any one day of twenty-four hours four hundred thousand gallons.

Rateable abatement on shortage of supply.

24. If at any time the quantity of water at the disposal of the Board is insufficient to enable the Board to fulfil their then obligations for the supply of water to the constituent authorities under the foregoing provisions of this Part of this order the Board shall make a proportionate reduction in the quantity of water to which each of the constituent authorities is entitled.

Constituent authorities not to increase their sources of supply.

25. From and after the date of this order none of the constituent authorities shall without prior notice to the Board obtain or seek to obtain any new source for the supply of water or develop any existing source so as to obtain a larger supply of water than the supply properly available therefrom at the date of this order by means of the then existing works of the constituent authority.

Restriction on supply in bulk by constituent authorities.

26. None of the constituent authorities shall at any time after the date of this order without prior notice to the Board supply to any local authority, body, company or person beyond or for use beyond the constituent area of the constituent authority any water supplied to that authority by the Board:

Provided that nothing contained in this section shall restrict the continuance of any supplies afforded in bulk on the appointed day.

PART V

Financial and Miscellaneous

27. Except as otherwise expressly provided by this order, all the receipts of the Board shall be carried to a common fund and all expenses incurred by the Board shall be defrayed out of that fund.

Common
fund of
Board.

28. All orders for payment from any fund of the Board shall be signed by at least two members of the Board and shall be countersigned by the clerk or in his absence or inability by such other officer as the Board may authorise for that purpose.

Payments
out of funds
of Board.

29.—(1) The Board shall before the commencement of each year make or cause to be made estimates of the probable income and expenditure (other than capital expenditure) which will be received and incurred by them during that year.

Apportion-
ment of
expenditure
between
constituent
authorities.

(2) The Board shall apportion their expenditure (determined as aforesaid) for every year (after deducting therefrom any moneys other than capital moneys to be received by the Board in respect of the undertaking) between the constituent authorities in the following proportions:—

- (i) all expenditure of the Board (not being for interest upon and for the repayment of money borrowed by the Board nor otherwise mentioned in paragraphs (ii) and (iii) of this subsection) on filtration, treatment and analysis of water, repair and maintenance of plant and such other expenditure as varies in direct proportion with the quantities of water supplied by the Board, in proportion to the estimated quantities of water to be supplied to the constituent authorities in that year;
- (ii) the amount if any payable to the Milford Council under paragraph (i) of section 32 of this order, in proportion to the estimated quantities of water to be supplied through the Milford main to the constituent authorities (including the Milford Council) in that year;
- (iii) all other expenditure of the Board, including (a) the amounts payable for interest upon and for the repayment of money borrowed by the Board or transferred to the Board under subsection (2) of section 19 of this order, (b) any annual payments to the Milford Council under subsection (1) of the last-mentioned section of this order, and (c) the amounts payable in respect of the impounding appropriation and protection of water, the insurance of works, buildings and plant and against third party liability, rates and taxes, management, offices and the provision of working capital and contributions to the reserve fund under section 30 of this order, in proportion to the quantities of water to which the constituent authorities are at the date of the apportionment entitled under sections 22 and 23 of this order.

(3) At the end of each year any necessary adjustment shall be made in the accounts of the Board so as to ensure that the apportionment of expenditure for that year under the last foregoing subsection is based on the actual expenditure less receipts for that year and that the apportionment under paragraphs (i) and (ii) of that subsection is in proportion to the actual quantities of water supplied to the constituent authorities in that year, and the amounts overpaid or underpaid as the case may be shall be carried forward by the Board in their accounts to the credit or

debit of the constituent authorities and the amounts so credited or debited to a constituent authority shall be deducted from or added to the sum due by that authority to the Board under this section in the next following year.

(4) The Board shall issue to each of the constituent authorities a precept for a sum equal to the amount apportioned to that authority in pursuance of this section, and each of the constituent authorities shall within three months from the receipt of such precept, or by instalments of such amount payable within such times as may be specified in the precept, pay to the Board the sum stated in the precept.

(5) Any sum mentioned in a precept issued by the Board under this section shall be raised and paid by the appropriate constituent authority out of (a) the revenues of their water undertaking and the general rate fund and general rate of their borough or district as the case may be, or (b) the said revenues or the general rate fund and general rate.

(6) Any sum mentioned in a precept issued by the Board to a constituent authority under this section which is not paid by that authority within the time in which the same was payable shall be a debt due to the Board from that authority and shall bear interest until payment at the rate of five per cent. per annum, and the Board may sue the defaulting constituent authority for the amount unpaid in any court of competent jurisdiction, without prejudice however to the right of the Board to exercise any powers conferred on them by section 13 of the Rating and Valuation Act, 1925.

(7) Any receiver appointed under the Act of 1933 upon the application of a mortgagee of the Board shall be entitled so long as his appointment remains to receive the amounts apportioned by the Board between the constituent authorities in pursuance of this section, and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amount so apportioned.

30.—(1) All moneys received by the Board in respect of the undertaking, except (a) borrowed money, (b) money arising from the disposal of lands and (c) other capital money received by them in respect of the undertaking, shall be applied by them in manner and in the order following:—

first, in payment of the working and establishment expenses (including any annual payments to the Milford Council under this order) and cost of maintenance of the undertaking, including all costs, expenses, penalties and damages incurred or payable by the Board consequent upon any proceedings by or against them or their officers or servants in relation to the undertaking;

secondly, in payment of the interest on money borrowed by the Board;

thirdly, in providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Board;

fourthly, in payment of all other expenses of executing this order not being expenses properly chargeable to capital;

fifthly, in extending improving and constructing (if the Board think fit) any works for the purpose of the undertaking;

15 & 16
Geo. 5. c. 90.

Application
of moneys
received by
Board.

sixthly, in providing working capital (if the Board think fit); and
seventhly, in setting apart (if the Board think fit) money for a reserve fund formed under the next following section.

(2) All capital moneys received by the Board in respect of the undertaking shall be applied by them in the reduction of capital moneys borrowed by them or in such other manner as the Minister may approve.

31.—(1) The Board may, subject to the provisions of this section, by setting apart in any year out of revenue such sums as they think fit, form and maintain a reserve fund for the purpose of meeting any extraordinary claim or demand which may at any time be made upon them or of defraying the cost of renewing, improving or extending any part of the works forming part of the undertaking. Reserve fund.

(2) Any sums so set apart for the formation or maintenance of a reserve fund may from time to time be invested in statutory securities (other than securities created by the Board).

(3) The dividends and interest arising from such investment shall be carried to and shall form part of the revenue for that year of the Board, and, subject to the provisions of the next following subsection, a sum equal to the amount of such dividends and interest shall in that year be added to the reserve fund.

(4) Whenever, and so long as, the amount standing to the credit of the reserve fund amounts to a sum equal to ten per cent. of the aggregate capital expenditure of the undertaking, no contributions shall be made to the reserve fund.

(5) The amount which, subject to the provisions of the last foregoing subsection, may be carried by the Board in any year to the formation or maintenance of the reserve fund shall not exceed a sum equal to one per cent. of the aggregate capital expenditure of the undertaking. Payment to Milford Council for use of Milford main.

32. If and so long as the Milford main is used for the supply of water to any constituent authority in addition to the Milford Council:—

(i) the Board shall in each year pay to the Milford Council an amount equal to (a) the amount required that year for the payment of interest upon and for the repayment of money borrowed in respect of the Milford main, (b) the rates paid or payable in respect of the Milford main and (c) the cost incurred in that year by the Milford Council in inspecting, maintaining and repairing the Milford main;

(ii) the Haverfordwest Council and the Rural Council shall in each year each pay to the Milford Council the amounts (if any) by which the sums which would have been payable in that year by the Haverfordwest Council and the Rural Council respectively for the quantities of water actually supplied to them through the Milford main in that year if such water had been supplied under the agreement dated the eighth day of February nineteen hundred and forty-one and made between the Haverfordwest Council and the Milford Council and the two agreements dated the third day of May nineteen hundred and forty-one and the twenty-third day of January nineteen hundred and forty-five and made between

the Rural Council and the Milford Council exceed the amounts payable by the Haverfordwest Council and the Rural Council respectively to the Board under section 29 of this order for that year.

Working capital.

33. During the period of seven years from the appointed day, in addition to the purposes mentioned in section 195 of the Act of 1933 for which money may be borrowed, the Board may with the consent of the Minister borrow such sums (not exceeding in all the sum of three thousand pounds) as may be required for working capital.

Subscriptions to associations &c.

34. Without prejudice to any other enactment relating to the payment of subscriptions or expenses, the Board may pay out of their revenue as expenses incurred by them under this order reasonable subscriptions (whether annual or otherwise) to the funds of any association of officers of water undertakers formed for the purpose of consultation as to their common interests and the discussion of matters relating to water supply, or to the funds of any scientific or other society or body (not carrying on business for profit) which is engaged, or whose members are engaged, in investigations or the keeping of records of value to water undertakers, and any reasonable expenses of the attendance of any members or officers of the Board at conferences or meetings of such association, society or body, and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings.

Inspection and audit of accounts.

35. The accounts of the Board shall at all reasonable times be open to inspection and transcription without payment by any member of a constituent authority, or by any officer of a constituent authority duly authorised in writing for that purpose, and shall be subject to audit by a district auditor.

Abstract of accounts and auditor's report.

36. A copy of the abstract of the accounts of the Board and of any report made by the district auditor to the Board shall be sent by the Board to each constituent authority as soon as may be after the completion of the audit.

Settlement of disputes.

37. Subject to the provisions of this order, any dispute arising in connection with the provisions of this order between the Board and any constituent authority or between the constituent authorities shall be referred to arbitration in the manner provided by section 91 of the Third Schedule.

Repeals.

38. As from the appointed day the local enactments mentioned in the sixth schedule to this order shall be repealed:

Provided that all byelaws made by the Milford Council under section 13 of the Act of 1930 and in force immediately before the appointed day shall (subject to the provisions of subsection (6) of section 19 of the Act of 1945) continue in force in the like manner and to the like extent as if the said section 13 had not been repealed and as if they had been made thereunder by the Board instead of by the Milford Council.

Inquiries.

39. The Minister may hold any inquiry which he may deem necessary for the purposes of this order, and section 290 of the Act of 1933 shall apply as if the Board were a local authority.

FIRST SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO THE WATER ACT, 1945, INCORPORATED

- Section 1 (Definitions, &c.).
- Section 3 (Limit on powers of undertakers to take water).
- Section 4 (General power to construct subsidiary works).
- Section 5 (Power of undertakers to lay or erect telephone wires, &c.).
- Part IV. (Minerals underlying waterworks).
- Section 19 (Power to lay mains).
- Section 20 (Conditions as to laying mains outside limits of supply).
- Part VI. (Breaking open streets, &c.).
- Subsection (2) of Section 65 (Penalties for misuse of water).
- Section 82 (Power to enter premises).
- Section 83 (Penalty for obstructing execution of special Act).
- Section 85 (Summary proceedings for offences).
- Section 87 (Restriction on right to prosecute).
- Section 90 (Appeals to quarter sessions against decisions of justices).
- Section 91 (Mode of reference to arbitration).
- Section 92 (Liability of undertakers to pay compensation).
- Section 93 (Protection for works of navigation authorities and for catchment boards and railways).
- Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers).

SECOND SCHEDULE

RULES AS TO MEETINGS AND PROCEEDINGS

1. The first meeting of the Board shall be convened by the clerk of the Milford Council on such date (not being later than the ninth day of October nineteen hundred and forty-eight) as may be fixed by the chairman of that Council. The said meeting shall be held at the Shire Hall, Haverfordwest.

2.—(1) The Board shall in every year hold an annual meeting and at least three other meetings for the transaction of general business, which as near as may be shall be held at regular intervals.

(2) The first meeting held after the thirty-first day of May in any year shall be the annual meeting.

3.—(1) At a meeting of the Board the chairman, if present, shall preside.

(2) If the chairman is absent from a meeting of the Board, the vice-chairman, if present, shall preside.

(3) If both the chairman and the vice-chairman of the Board are absent, such member of the Board as the members present shall choose shall preside.

4.—(1) The Chairman may call a meeting of the Board at any time.

(2) If the chairman refuses to call a meeting of the Board after a requisition for that purpose, signed by three or more members of the Board, has been addressed to him, or if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been addressed to him, any three or more members of the Board may call a meeting of the Board.

(3) Three clear days at least before a meeting of the Board—

(a) notice of the time and place of the intended meeting shall be published at the offices of the Board, and where the meeting is called by members of the Board the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the clerk, shall be left at or sent by post to the usual place of residence of every member of the Board: Provided that (i) want of service of the summons on any member of the Board shall not affect the validity of a meeting, and (ii) no business shall be transacted at a meeting called by members of the Board other than that specified in the notice thereof.

5. No business shall be transacted at a meeting of the Board unless at least five members are present thereat.

6. A copy of the minutes of proceedings at each meeting of the Board shall be sent to the clerk of each constituent authority within fourteen days after the date of the meeting.

7. The provisions of paragraphs 1 to 5 of Part V of the Third Schedule to the Act of 1933 shall apply to the Board as if the Board were a local authority and as if for references therein to the said Act there were substituted references to this order.

THIRD SCHEDULE

PROVISIONS OF THE ACT OF 1933 APPLIED TO THE BOARD

<i>Sections</i>	<i>Subject matter</i>
Subsection (4) of section 107, and sections 119 to 123 and 125 ..	Officers and offices.
Sections 195 to 200, 202 to 216 and 218 ..	Borrowing.
Sections 253, 254, 256 and 258 ..	Promotion of and opposition to local Bills.
Section 266	Contracts.
Section 267	Conferences of local authorities.
Sections 277 and 278	Legal proceedings.
Subsection (2) of section 285 ..	Procedure on making provisional orders.
Subsection (1) of section 287 and sections 288 and 289	Notices.

FOURTH SCHEDULE

LOCAL ENACTMENTS TRANSFERRED TO THE BOARD

The Act of 1930—

Section 10 (Power to take water).

Section 11 (Restrictions on taking water) except subsection (1).

Section 12 (For protection of certain mills and factories).

So much of section 71 (For protection of Great Western Railway Company) and of section 72 (For protection of Pembrokeshire County Council), except subsection (2), as relate to Works Nos. 2, 3 and 4 authorised by the Act of 1930.

The Act of 1939—

Section 6 (Power to take waters).

Section 7 (Discharge of compensation water).

FIFTH SCHEDULE

PROVISIONS RELATING TO THE SUPPLY OF WATER TO THE CONSTITUENT AUTHORITIES

1. In this schedule unless the context otherwise requires:—

“the joint supply main” means the line of pipes with the necessary branches therefrom to be constructed as provided by section 2 of this schedule, and any enlargement or duplication thereof;

“point of supply” means the points of delivery mentioned in section 4 of this schedule and any point on the Milford main or on the joint supply main at which a meter is required to be maintained under this schedule;

“the Tenby main” and “the Haverfordwest main” mean the branch mains from the joint supply main to the borough of Tenby and the borough of Haverfordwest respectively;

“the three authorities” means the Tenby Council, the Haverfordwest Council and the Rural Council.

2. The three authorities shall as soon as possible after the commencement of this order construct under the powers of the Public Health Act, 1936, a line of pipes with the necessary branches therefrom from the filter works to their respective boroughs and district for the purpose of conveying the water to which the three authorities are entitled to the said boroughs and district.

3.—(1) Until the joint supply main has been constructed the water to be supplied by the Board to the constituent authorities other than the Tenby Council shall be delivered into the Milford main at the point of delivery mentioned in paragraph (a) of section 4 of this schedule and shall be delivered by the Milford Council to the Haverfordwest Council and the Rural Council at the points at which the Milford Council were supplying water in bulk to the Haverfordwest Council and the Rural Council immediately before the appointed day, or at such other points as may be agreed between the Milford Council, the Haverfordwest Council and the Rural Council.

(2) At each point on the Milford main mentioned in subsection (1) of this section at which water is supplied to the Haverfordwest Council or the Rural Council the Milford Council shall maintain and whenever necessary repair and renew an efficient and suitable self-recording meter for measuring the quantities of water supplied to the Haverfordwest Council or the Rural Council, and the Milford Council shall at all times keep such meters in proper condition and working order.

4. On the completion of the joint supply main, the water to be supplied by the Board to the constituent authorities shall be delivered as follows:—

(a) to the Milford Council, into the Milford main immediately below the recording meter mentioned in the definition of the Prescelly undertaking in subsection (1) of section 3 of this Order;

(b) to the three authorities, into the joint supply main at the filter works.

5.—(1) The Board shall, on or before the completion of the joint supply main, provide and fix at each of the following points of supply, namely:—

(a) the point of delivery mentioned in paragraph (b) of section 4 of this schedule,

(b) on the joint supply main immediately to the south of the point of commencement of the Tenby main,

(c) on the Tenby main at or near the point where it branches from the joint supply main, and

(d) on the Haverfordwest main at or near the point where it branches from the joint supply main,

an efficient and suitable self-recording meter for measuring the quantity of water to be supplied by the Board through that point of supply, and shall maintain and whenever necessary repair and renew such meters and the meter at the point of delivery mentioned in paragraph (a) of section 4 of this schedule, and shall at all times keep such meters in proper condition and working order.

(2) The constituent authorities shall at all times afford to the Board such facilities as the Board may require for fixing, maintaining, repairing and renewing the meters mentioned in subsection (1) of this section and for keeping the same in proper condition and working order as aforesaid.

6. At or near each point on the joint supply main (not being one of the points mentioned in the last preceding section of this schedule) at which water is taken by any one of the three authorities for supply by such authority, that authority shall (if required by the Board) provide, fix and maintain and whenever necessary repair and renew an efficient and suitable self-recording meter for measuring the quantity of water to be supplied to that authority at that point of supply and that authority shall at all times keep such meter in proper condition and working order.

7.—(1) Each of the meters mentioned in subsection (1) of section 5 of this schedule shall be the property of the Board.

(2) Each of the meters mentioned in section 6 of this schedule shall be the property of the constituent authority to which the water is supplied through that meter.

8. The quantity of water recorded by any meter at any point of supply as having been supplied through that point of supply in any period shall be deemed (except in the event of any manifest error or as otherwise expressly provided by section 9 of this schedule) to be the quantity in fact supplied through that point of supply in that period, and any fractional part of one thousand gallons shall be reckoned as a complete thousand gallons.

9. If at any time any such meter shall cease to register correctly or shall be removed for the purpose of repair or renewal or for any other reason, then (until the said meter shall be repaired or replaced so as to register correctly the quantity of water passing through that point of supply and except as otherwise expressly provided by this schedule) the quantity of water deemed to have been supplied through that point of supply shall be agreed between the Board and the constituent authority or authorities concerned or, failing agreement, determined by arbitration.

10. As soon as practicable after the last day of each month each meter at each point of supply shall be inspected, and the records thereof shall be taken by an officer or servant of the Board, and the Board shall thereupon calculate from the readings of such meters (subject (a) as provided in sections 8 and 9 of this schedule and (b) to an apportionment by the Board on the constituent authorities concerned of all losses in transmission in proportion to the total quantities of water recorded or deemed to have been supplied to those authorities) the quantities of water supplied to each constituent authority during the preceding month and make up an account in writing showing such quantities and send a copy to each constituent authority.

11. The Board and each constituent authority shall at all times whenever so requested by another constituent authority or the Board, as the case may be, afford to such other constituent authority or the Board reasonable facilities for inspecting any meter at any point of supply and for taking copies of the records thereof.

SIXTH SCHEDULE

LOCAL ENACTMENTS REPEALED

The Act of 1930—

So much of sections 5 (Power to make waterworks), 6 (Limits of deviation), 7 (Time for completion of works), 8 (Temporary discharge of water into streams) and 9 (Works to form part of undertaking) as relates to Works Nos. 2, 3 and 4 authorised by section 5.

Subsection (1) of section 11 (Restrictions on taking water).

Section 13 (Byelaws for preventing pollution of water).

So much of sections 14 (Power to take lands), 15 (Limit of time for compulsory purchase of lands), 16 (Correction of errors in deposited plans and book of reference), 17 (Temporary stoppage of streets), 18 (Council may acquire certain easements compulsorily), 19 (Council may acquire easements only in certain cases), 20 (Owners may be required to sell parts only of certain properties), 21 (Compensation in case of buildings recently erected) and 22 (Power to enter upon property for survey and valuation) as relates to Works Nos. 2, 3 and 4 authorised by section 5.

Section 23 (Powers for protection of water supply).

So much of subsection (2) of section 72 (For protection of Pembrokeshire County Council) as relates to Works Nos. 2, 3 and 4 authorised by section 5.

The Act of 1939—

Section 5 (Power to Council to make waterworks).

So much of sections 9 (Subsidiary works), 10 (Limits of deviation), 11 (Time for completion of works), 14 (Works Nos. 1 and 2 to form part of water undertaking of Council), 16 (Discharge of water into streams), 19 (Acquisition of lands), 20 (Period for compulsory purchase of lands), 23 (Persons under disability may grant easements, etc.), 25 (Extinction of private rights of way), 26 (Compensation in case of recently acquired interest) and 27 (Correction of errors in deposited plans and book of reference) as relates to Work No. 1 authorised by section 5.

Section 28 (Supply of water in bulk by Council to Corporation).

Given under the official seal of the Minister of Health this twenty-eighth day of September nineteen hundred and forty-eight.

(L.S.)

Geoffrey Crawshay,
Chairman,
Welsh Board of Health.

WATER, ENGLAND

The Bude-Stratton Water Order, 1948

Made - - - - - 30th August, 1948

Coming into Operation 4th October, 1948

MH.107977.

8 & 9 Geo. 6.
c. 42.

The Minister of Health, in exercise of the powers conferred on him by sections 23 and 26 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

Short and
collective
titles.

1.—(1) This order may be cited as the Bude-Stratton Water Order, 1948.

(2) The Stratton and Bude Improvement Act, 1901, and this order may be cited together as the Bude-Stratton Water Act and Order, 1901 and 1948.

Interpre-
tation.

2. In this order, unless the context otherwise requires—

“the Undertakers” means the Bude-Stratton Urban District Council;

“the undertaking” means the water undertaking of the Undertakers as for the time being authorised by any enactment;

“enactment” has the same meaning as in the Water Act, 1945;

“the existing reservoir” means the reservoir of the Undertakers situate at or near Langford Moor, partly in the parish of Kilkhampton in the county of Cornwall and partly in the parishes of Sutcombe and Bradworthy in the county of Devon, together with all other works and conveniences referred to in section 15 of the Bude Harbour and Canal (Further Powers) Act, 1891;

“the Act of 1901” means the Stratton and Bude Improvement Act, 1901;

“the Act of 1819” means the Act passed in the fifty-ninth year of the reign of King George III intituled “An Act for improving the Harbour of Bude in the county of Cornwall and for making and maintaining a Navigable Canal from the said Harbour of Bude to or near the Village of Thornbury in the county of Devon and divers branches therefrom all in the said counties of Cornwall and Devon”.

Power to
construct
works.

3. The Undertakers may construct and maintain on the lands described in the first schedule to this order the following works:—

Work No. 1—A reservoir (to be known as “the Tamar Reservoir”) to be situate partly in the parish of Kilkhampton in the rural district of Stratton in the county of Cornwall and partly in the parish of Bradworthy in the rural district of Holsworthy in the county of Devon, and to be formed by a dam across the river Tamar on a line commencing in the enclosure numbered 1034 in the parish of Kilkhampton on the 1/2500 ordnance map of Cornwall, (edition of

1906), sheet No. IV, 2, and terminating in the enclosure numbered 83 in the parish of Bradworthy on the 1/2500 ordnance map of Devonshire, (edition of 1906), sheet No. XXXVIII, 12.

Work No. 2—An access road commencing at the Bradworthy-Thurdon road to the south of New Bridge over the river Tamar, and terminating in the south west end of the dam forming Work No. 1.

4. The Undertakers may impound and use for the purposes of the undertaking all waters which will or may be taken or intercepted by means of the reservoir (Work No. 1) authorised by the last foregoing section. Power to take waters.

5.—(1) For the purposes of this order, the provisions of the Third Schedule to the Water Act, 1945, which are set out in the first column of the second schedule to this order shall, subject to the modifications set out in the second column thereof, apply to the undertaking and be incorporated with this order. Incorporation of provisions of Third Schedule to Water Act, 1945.

(2) The prescribed limits for the purposes of subsection (2) of section 10 of the said Third Schedule shall be below the reservoir and within 300 yards of the foot of the dam or embankment thereof.

(3) The prescribed quantity of compensation water for the purpose of the said subsection (2) shall be six hundred thousand gallons.

6.—(1) The Undertakers shall abandon and relinquish the existing reservoir on the date specified in the notice to be published in accordance with the provisions of subsection (2) of this section. Abandonment of existing reservoir.

(2) Not later than one week before the date decided upon by the Undertakers for the abandonment and relinquishment of the existing reservoir (such date having been approved by the Minister of Health) the Undertakers shall publish in two local newspapers circulating within the Undertakers' limits of supply a notice specifying the date of such abandonment and relinquishment.

7. As from the date on which the Undertakers abandon and relinquish the existing reservoir, the following enactments shall be repealed:— Repeal.

The Act of 1819—

Section 27.

The Bude Harbour and Canal (Further Powers) Act, 1891—

So much of section 15 (power to maintain works) as relates to the existing reservoir ;

section 16 (power to take streams) ;

section 17 (saving rights of the Admiralty under the recited Act).

The Act of 1901—

So much of section 21 (power to maintain canal and waterworks and to take and supply water) as relates to the existing reservoir, and the proviso to that section.

FIRST SCHEDULE

LAND ON WHICH WORKS MAY BE CONSTRUCTED AND MAINTAINED UNDER THIS ORDER

Land partly in the parish of Kilkhampton in the rural district of Stratton in the county of Cornwall and partly in the parish of Bradworthy in the rural district of Holsworthy in the county of Devon containing in the whole approximately 150.52 acres comprising the enclosures or parts of the enclosures numbered 137, 165, 166, 167, 168, 169, 190, 191, 983, 984, 985, 986, 987, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1095,

1096 and 1097 in the said parish of Kilkhampton on the ordnance map (scale 1/2500) Cornwall sheets II-14 and IV-2 (edition of 1906) and 81, 82, 83, 145, 147, 200, 201, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 308, 309, 310, 311, 314, and 324 in the said parish of Bradworthy on the ordnance map (scale 1/2500) Devon sheets XXXVIII-7, XXXVIII-11 and XXXVIII-12 (edition of 1906) and more particularly delineated and shown edged red on a map prepared in duplicate sealed with the official seal of the Minister of Health and marked "Bude-Stratton Water Order, 1948" of which one copy is deposited at the office of the Minister of Health and one is deposited at the office of the Clerk of the Bude-Stratton Urban District Council.

SECOND SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO THE WATER ACT, 1945, APPLIED

Provisions applied	Modifications
Part II (works and lands) except sections 3, 7 and 8.	In section 4 the words from the beginning of the section to "abstract water" shall be omitted, and for the words "any land for the time being held by them in connection with their water undertaking" there shall be substituted the words "the land described in the special Act".
Section 10 (provisions as to compensation water) subsections (2), (4), (5), (6) and (7).	In subsection (4) the words "take any water from the stream contrary to the provisions of subsection (1) or subsection (3) of this section, or" shall be omitted; and in subsection (5) the expression "gauge" shall include an automatic recorder.
Part IV (minerals underlying waterworks).	In section 12 for the words "after this section is incorporated with their enactments" there shall be substituted the words "under the special Act"; for the words "all existing pipes or other conduits for the collection, passage or distribution of water and underground works belonging to them" there shall be substituted the words "all such pipes or other conduits or underground works"; and the words "for the time being belonging to them" shall be omitted.
Section 94 (copies of special Act to be kept by undertakers in their office and deposited with certain officers).	—

Given under the official seal of the Minister of Health this thirtieth day of August nineteen hundred and forty-eight.

(L.S.)

E. Russell Smith,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Chelmsford Water Order, 1948

Made - - - - 2nd November, 1948

Coming into Operation 2nd November, 1948

M.H. 108029.

The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

8 & 9 Geo. 6.
c. 42.

1. This order may be cited as the Chelmsford Water Order, 1948. Short title.

2.—(1) Section 20 of the Chelmsford Corporation Water Act, 1923, shall have effect as if for subsection (3) (which provided that the Chelmsford Corporation should not in any period of twenty-one days pump by means of Work No. 4 authorised by that Act water in excess of an average of one million gallons a day, and required the Corporation to erect and maintain suitable recording apparatus for measuring the water so pumped and to permit the records to be inspected and copied by certain persons) there were substituted the following provisions:—

Amend-
ment of
Chelmsford
Corporation
Water Act,
1923.
13 & 14 Geo.
5. c. xci.

“(3) The Corporation shall construct and maintain to the reasonable satisfaction of the Company at the weir adjoining Work No. 2 authorised by this Act a pipe or orifice having a sufficient capacity to allow two hundred thousand gallons of water to flow through into Cuton pond in a day.

(4) The Corporation shall not in any period of twenty-one days abstract from the river Chelmer by means of Work No. 1 authorised by this Act a total quantity of water which will exceed in such period an average of one and one half million gallons per day:

Provided that—

(a) the Corporation shall not in any day abstract by means of the said Work No. 1 a greater quantity of water than two million gallons;

(b) the Corporation shall not, on any day on which no water flows over the weir adjoining Cuton lock—

(i) abstract any water by means of the said Work No. 1 unless on that day at least one hundred and fifty thousand gallons of water pass through the pipe or orifice referred to in the last foregoing subsection;

(ii) abstract by means of the said Work No. 1 a greater quantity of water than one million gallons a day unless on that day at least two hundred thousand gallons of water pass through the said pipe or orifice.

(5) The water so abstracted by the Corporation shall be measured by a proper and suitable automatic recording apparatus which shall be erected and maintained by the Corporation to the reasonable satisfaction of the Company and the apparatus and the records thereof shall be open to the inspection and examination of the Company

the Rural District Council the Essex Rivers Catchment Board and the Medical Officer of Health of the County of Essex or any other person duly authorised in that behalf by the County Council who shall respectively be entitled to take copies of such records free of charge.

((6) In this section the expression "day" means a period of twenty-four hours ending with midnight."

(2) Section 2 and section 23 of the said Act of 1923 shall have effect subject to the following amendments:—

(a) in subsection (2) of each of the said sections (which subsections subject the Corporation to penalties if they contravene any of the provisions of section 20 of the said Act which limit the quantity of water to be pumped by means of Work No. 4) for the words "pumped by means of Work No. 4" there shall be substituted the words "abstracted from the river Chelmer" and for the words "pumped by the Corporation exceeds twenty-one million gallons" there shall be substituted the words "abstracted by the Corporation exceeds the aggregate quantity for the time being permitted to be abstracted under that section";

(b) the following subsection shall be substituted for subsection (3) of the said section 22 (which provided for contributions by the Corporation toward the expense of maintaining a uniform depth of water in Cuton pond):—

"(3) The Corporation shall if so required by the Company carry out at the expense of the Corporation the lowering of the bed of the river Chelmer between Barnes lock and Sandford lock to a depth of four feet nine inches below the height of a full pond as defined in the next following subsection:

Provided that nothing in this section shall impose on the Corporation any responsibility in respect of the bed of the said river after they have carried out the lowering aforesaid";

(c) in subsection (4) of the said section 22 (which among other things provides that the Corporation shall not draw down the water which supplies Sandford lock more than 21 inches below the height of a full pond as therein described, and empowers the Corporation to execute repairs to Sandford lock and requires the Company to repay to the Corporation any expenses reasonably incurred by them in executing any such repairs), at the beginning there shall be inserted the words "So long as the Company continue to work the navigation"; for the expression "21 inches" there shall be substituted the expression "9 inches"; and at the end of the proviso there shall be added the words "except repairs executed in order to maintain Sandford lock gates in a better condition than is reasonably necessary for the purposes of the Company".

3. The following provisions for the protection of the Southend Waterworks Company (in this section referred to as "the Waterworks Company") shall, unless in any particular case it is otherwise agreed in writing between the Waterworks Company and the Mayor, aldermen and burgesses of the borough of Chelmsford (in this section referred to as "the Corporation"), apply and have effect:—

(1) The recording apparatus to be erected and maintained by the Corporation in pursuance of subsection (3) of section 20 of the Chelmsford Corporation Water Act, 1923 (which section, as

For protection of Southend Waterworks Company.

amended by this order, is in this section referred to as "the said section 20"), shall be maintained to the reasonable satisfaction of the Waterworks Company.

- (2) The Waterworks Company shall at all reasonable times be entitled to inspect, examine and test the state of repair and efficiency of the said recording apparatus, and to inspect the records thereof and to take copies of such records free of charge.
- (3) If the Corporation shall contravene any of the provisions of the said section 20 which limit the quantity of water to be abstracted from the river Chelmer, they shall, without prejudice to their civil liability (if any) to the Waterworks Company, be liable on conviction on information laid by or on behalf of the Waterworks Company to a penalty not exceeding fifty pounds for every period of twenty-one days in which the aggregate quantity of water so abstracted by the Corporation exceeds the aggregate quantity permitted to be abstracted under the said section 20:

Provided that no portion of any period of twenty-one days in respect of which any such penalty shall have been incurred shall be included in any other such period for the purposes of this subsection.

- (4) The Corporation shall also be liable on conviction on information similarly laid to a penalty not exceeding ten pounds for any neglect or refusal to comply with the provisions of subsection (1) or subsection (2) of this section and to a further penalty not exceeding ten pounds for every day on which such neglect or refusal shall continue after conviction.
- (5) Any difference which may at any time arise between the Corporation and the Waterworks Company as to the nature, position, sufficiency, accuracy, mode of construction or employment, or state of repair of the said recording apparatus shall be determined by the arbitration of an engineer to be agreed upon by the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Given under the official seal of the Minister of Health this second day of November, nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The East Shropshire Water Board Order, 1948

Made - - - - 3rd November, 1948

Coming into Operation 3rd November, 1948

M.H. 108382.

8 & 9 Geo. 6. c. 42. The Minister of Health in exercise of the powers conferred on him by section 9 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

PART I

PRELIMINARY

Citation. 1. This order may be cited as the East Shropshire Water Board Order, 1948.

Interpre- 2.—(1) In this order, unless the context otherwise requires—
tation.

“constituent district” means a district or part of a district mentioned in part I of the first schedule to this order;

“constituent council” means the council of a constituent district;

“the Board” means the East Shropshire Water Board constituted by this order;

“the county council” means the Salop County Council;

“the Minister” means the Minister of Health;

“the existing undertakings” means the water undertakings of such of the constituent councils as are supplying water in any part of the limits of supply, and includes—

(a) all the lands, buildings, water works, water, sources of supply, machinery, mains, pipes, meters, plant, spare parts, tools, apparatus, vehicles, stores and other real and personal property, assets and effects, rights, powers, privileges, liabilities and obligations vested in or enjoyed by the said constituent councils for or in relation to their water undertakings immediately before the appointed day or to which they were then subject for or in relation to those undertakings;

(b) the benefit of all contracts in force on the appointed day in respect of the said undertakings subject to any obligations thereunder;

(c) all registers, books of accounts, maps, plans, specifications, engineering reports and other documents relating to the said undertakings;

but does not include—

(i) any funds, money or securities for money of the constituent councils whether invested or in hand other than money or securities for money representing the unexpended balance of any sum borrowed by any of the constituent councils for the purposes of the water undertaking of that council; or

(ii) any liabilities or obligations in respect of any sum borrowed as aforesaid except as provided in section 21 of this order ;

“the undertaking” means the whole of the undertaking for the time being of the Board ;

“the limits of supply” means the area consisting of the districts and parts of districts mentioned in part I of the first schedule to this order ;

“the appointed day” means the first day of April, 1949 ;

“year” means a year commencing on the first day of April, and “half year” means a half year commencing on the first day of April or the first day of October ;

“statutory security” means any security in which trustees are for the time being authorised by law to invest trust moneys, and any mortgage, bond, debenture, debenture stock, stock or other security created by a local authority as defined by section 34 of the Local Loans Act, 1875, but does not include annuities, rentcharges or securities transferable by delivery or any securities of the Board ;

“enactment” has the same meaning as in the Water Act, 1945 ;

“statutory borrowing power” means any power, whether or not coupled with a duty, of borrowing or continuing on loan or re-borrowing money, or of redeeming or paying off or creating or continuing payment of or in respect of any annuity, rentcharge, rent or other security representing or granted in lieu of consideration money, for the time being existing under any enactment, but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Local Government Act, 1933 ; and

“the Third Schedule” means the third schedule to the Water Act, 1945, and any expression to which a meaning is assigned by the Third Schedule shall have the meaning so assigned.

(2) The provisions of subsection (1) of section 295 of the Local Government Act, 1933 (which provides as to the doing of things which fall to be done on Sundays and public holidays) shall apply for the purpose of this order as if for the reference therein to that Act there were substituted a reference to this order.

(3) Except where the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

3. The provisions of the Third Schedule, except parts III and XV, are hereby applied to the undertaking and shall be incorporated with this order and so far as may be appropriate for the purposes thereof with the local enactment applied to the Board by section 15 of this order.

PART II

CONSTITUTION OF THE BOARD

4.—(1) For the purposes hereinafter mentioned there shall be a joint board constituted as provided by this order.

(2) The joint board shall be a body corporate by the name of the East Shropshire Water Board, and shall have perpetual succession and a common seal, and power to hold land for the purposes of their constitution without licence in mortmain.

38 & 39
Vict. c. 83.

23 & 24
Geo. 5. c. 51.

23 & 24
Geo. 5. c. 51.

Application
of Third
Schedule.

Incorporation
of
Board.

(3) The purposes above referred to are—

- (a) the procuring of a supply of water and the distribution thereof in the limits of supply, or in any area outside the limits of supply in which the Board may be authorised for the time being to supply water otherwise than in bulk ;
- (b) the supplying of water in bulk within or outside the limits of supply ; and
- (c) the doing of all things necessary for, connected with, incidental to, or consequent upon the powers, rights, duties, capacities and liabilities exercisable by or attaching to the Board.

Con-
stitution of
Board.

5.—(1) The Board shall consist of twenty-one members each of whom shall be a member of the council by whom he shall have been elected.

(2) The number of members of the Board to be elected by each constituent council and by the county council shall be the number set opposite the name of their district or county in column (2) of part II of the first schedule to this order.

(3) Each constituent council and the county council shall at a meeting to be held not later than one month after the date when this order comes into force elect the number of members of the Board so to be elected by them, and the members so elected shall come into office on a date being one month after this order comes into force.

(4) The date of retirement of the first members of the Board shall be the thirty-first day of May nineteen hundred and fifty-two and of members of the Board other than the first members thereof the thirty-first day of May in every third year thereafter.

(5) Any vacancy, other than a casual vacancy, in the representation of a council on the Board shall be filled by that council at a meeting on or before the date on which the vacancy will occur.

(6) Every member of the Board elected under the last foregoing subsection shall come into office on the first day of June and shall hold office subject to the provisions of this order for a period of three years.

(7) Whenever an appointment of a member of the Board has been made, the clerk of the council by whom the appointment was made shall certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the clerk of the county council and on every subsequent appointment to the clerk of the Board.

Member of
two or more
authorities
to represent
one only.

6. A person who is a member of two or more councils shall not be qualified to represent more than one of them, and if the same person shall be appointed a member of the Board by more than one council he shall within one month after the second appointment choose under which appointment he will serve and give notice of his choice to the clerk of the Board, and thereupon the other appointment shall be deemed void.

Tenure
of office.

7.—(1) A member of the Board who ceases to be a member of the council by whom he was elected, or otherwise becomes disqualified, shall thereupon cease to be a member of the Board :

Provided that a member of the Board shall not be deemed to have ceased to be a member of the council by whom he was elected if on or before the day on which he goes out of office he has been re-elected a member of that council.

(2) A member of the Board may resign his membership by sending to the clerk of the Board notice of his desire to do so, and thereupon a casual vacancy shall be deemed to have arisen and the clerk of the Board shall forthwith notify the clerk of the council by whom the member had been appointed of the vacancy.

(3) Any casual vacancy in the membership of the Board occurring more than two months before the ordinary date of retirement from the office in which the vacancy occurs shall be filled as soon as practicable by the election by the council in whose representation a vacancy arises of a new member, and the person so elected shall come into office upon his election and shall hold office during the remainder of the term of office of the person in whose place he is elected.

(4) The provisions of sections 58, 59, 63 and 76 of the Local Government Act, 1933, which provide respectively as to re-election, disqualification for office, vacation of office by failure to attend meetings, and disability for voting on account of interest in contracts or other matters, shall apply to the Board as if the Board were a local authority other than a parish council.

23 & 24
Geo. 5. c. 51.

8. The acts and proceedings of any person appointed to an office under this order and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

Validity of
acts done
by un-
qualified
person.

9. A council may nominate a deputy for any representative elected by them, and a person so nominated as deputy for a representative may attend any meetings of the Board which that representative is unable to attend and may vote thereat:

Appoint-
ment of
deputies.

Provided that a person nominated as deputy shall be subject to the same provisions as to qualification for and disqualification from office as are contained in or applied by this order with respect to members of the Board, and shall not be entitled to vote at any meeting of the Board unless his name shall have been notified by the clerk of the council to the clerk of the Board before the meeting.

10. The meetings and proceedings of the Board shall be conducted in accordance with the rules set out in the second schedule to this order.

Meetings
and pro-
ceedings.

11.—(1) The Board may appoint committees for the exercise of any functions which in the opinion of the Board can be properly exercised by committees, but the acts of every such committee shall unless otherwise directed by the Board be submitted to the Board for approval:

Com-
mittees.

Provided that a committee so appointed shall not be authorised to borrow money or to issue any precept for contributions.

(2) A committee appointed under this section may include persons who are not members of a constituent council or the county council:

Provided that the number of persons so included shall not exceed one-third of the total number of members of the committee.

(3) The provisions of sections 94, 95 and 96 of the Local Government Act, 1933, which provide respectively as to disqualification for membership of committee, disability for voting at committee on account of interest in contracts etc. and standing orders, etc. shall apply to the Board as if the Board were a local authority.

Appoint-
ment and
remunera-
tion of
officers.

12.—(1) The Board shall appoint a clerk and a treasurer who shall not be the same person, and may appoint such other officers and servants as they think requisite:

Provided that no person who is or within twelve months previously was a member of the Board, any constituent council or the county council may be appointed an officer of the Board.

(2) The Board may pay their clerk, treasurer and other officers and servants such reasonable remuneration as they deem expedient and every such clerk, treasurer, officer and other servant shall be removable by the Board at their pleasure.

PART III

TRANSFER OF UNDERTAKINGS AND POWERS OF BOARD

Informa-
tion to be
supplied
before
transfer.

13. Not later than three months after the date when this order comes into force, the owners of the existing undertakings shall respectively deliver or forward by registered post to the clerk of the county council a statement under heads corresponding with paragraphs (a) (b) and (c) in the definition of "the existing undertakings" which is contained in section 2 of this order, giving particulars of their respective undertakings, and any question arising between the county council or the Board on the one hand, and any such owners on the other hand as to the correctness of the statement of those owners shall be referred to an arbitrator appointed by the parties by agreement, or failing agreement by the President of the Institution of Civil Engineers.

Transfer
of under-
takings.

14.—(1) Subject to the provisions of this order, on the appointed day the existing undertakings shall by virtue of this order be transferred to and vest in the Board.

(2) The Board may subject to the provisions of this order maintain and enlarge any works vested in them as aforesaid.

Application
of enact-
ments.

15.—(1) As from the appointed day the local enactment mentioned in part I of the third schedule to this order shall apply to the Board and shall have effect thereafter as if for the reference to the council therein mentioned there were substituted a reference to the Board.

(2) For the purposes of their functions under this order the Board are hereby invested with all the functions rights and liabilities of a local authority under the provisions of the Local Government Act, 1933, mentioned in part II of the third schedule to this order, and those enactments shall apply to the Board accordingly with any necessary modifications as if the limits of supply were their district.

Delegation
of Board's
powers.

16. During the period of three years beginning with the appointed day the Board may by agreement with any constituent council delegate to that council with or without restrictions or conditions any powers exercisable by the Board with respect to the management and carrying on of the whole or any part of the water undertaking of that council transferred by this order to the Board.

Recovery
and appor-
tionment
of debts.

17. Each constituent council shall be entitled to and may recover all rates, rents, profits and sums of money, and shall discharge and pay all outgoing and liabilities in respect of so much of their water undertaking as is transferred by this order to the Board which may accrue due up to or shall have accrued due or become payable before the appointed day and the Board shall be entitled to and may recover all rates, rents, profits and sums of money, and shall discharge and pay all outgoing and liabilities in respect of the existing undertakings which shall accrue due or become payable on or after that day and

where necessary for the purpose of this section all revenues and outgoings shall be apportioned between the constituent councils and the Board:

Provided that so much of the water rates, water rents, meter rents, deposits or other charges received by a constituent council as is attributable to any period subsequent to the appointed day shall be paid by the council to the Board and so much of all rates, rents, profits and sums of money received by the Board in respect of the existing undertaking of a constituent council as is attributable to the period prior to that day shall be paid by the Board to the constituent council.

18. Every officer and servant who immediately before the appointed day is in the whole-time employment of the owners of any of the existing undertakings solely in connection with that undertaking (in this order called "a transferred officer") shall on the appointed day become an officer or servant of the Board and shall hold his office or situation by the same tenure and on the same conditions as immediately before the appointed day.

Transfer of officers of existing undertakings.

PART IV WATER SUPPLY

19. For the purposes of part XII of the Third Schedule—

Water charges.

- (a) the prescribed rate-poundage for a supply of water for domestic purposes shall be three shillings in the pound ;
- (b) the prescribed proportion of the net annual value of premises used solely for business, trade or manufacturing purposes or for the exercise of functions by any public authority shall be three-fourths ;
- (c) the minimum charge for a supply of water for domestic purposes shall be twenty shillings ;
- (d) the additional annual sum chargeable under subsection (1) of section 48 of the said Schedule shall be twenty shillings ;
- (e) the maximum charge for a supply of water by meter shall be three shillings per thousand gallons.

20.—(1) The charges which under this order may be made for the supply of water (other than a supply of water in bulk) in the limits of supply shall, if the Board and any constituent council so agree in relation to the constituent district of that constituent council, be levied and recovered by the council thereof, and accordingly references in part XII of the Third Schedule to the undertakers shall be construed, in a case where a constituent council agree to levy and recover charges as aforesaid, as references to that council, and the terms of the agreement may include provision for reimbursing to the constituent council a sum in respect of the cost of such collection.

Levying and recovery of water charges by constituent councils.

(2) Any such charges may be collected by the constituent council together with the general rate of the district, and the same books and forms of demand note and receipt may be used for the general rate and the water charges.

PART V FINANCIAL PROVISIONS

21.—(1) Subject to the provisions of this section, the Board shall, as consideration for the transfer of the existing undertakings, in every financial year as from the appointed day repay to each of the constituent councils a sum equivalent to the net sum (if any) to be expended during

Repayment to constituent councils of loan charges.

that year by that council in the repayment of interest upon and for the repayment of money borrowed prior to the appointed day in respect of their undertaking, and the sum paid into any sinking fund for the repayment of such money :

Provided that any such sum shall unless otherwise agreed be paid by half-yearly payments.

In this subsection "net sum" means the sum if any to be expended by a constituent council after deducting therefrom any sum received from the Unemployment Grants Committee in that year by that council in respect of their undertaking.

(2) Any question which may arise as to the method of calculating for the purposes of subsection (1) of this section the sum to be expended by or repaid to a constituent council shall be settled by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President of the Institute of Municipal Treasurers and Accountants (Incorporated).

(3) Notwithstanding the foregoing provisions of this section, the Board on the one hand and any of the constituent councils on the other hand (with the consent of any person from whom the constituent councils have borrowed money for the purposes of their respective existing undertakings) may enter into and carry into effect agreements for the transfer to the Board by that council of the outstanding loan or loans to such council, and as from the date upon which any such transfer takes effect all liability in respect of any loan or loans so transferred shall be borne by the Board.

Payment
by Board
for certain
stores.

22. The Board shall pay to each of the constituent councils an amount equal to the book value of all expendable stores which immediately prior to the appointed day were held on revenue account by that council and which are by this order transferred to the Board.

Application
of moneys
received
by Board.

23.—(1) All moneys received by the Board in respect of the undertaking except:—

(a) borrowed money :

(b) money arising from the disposal of lands :

(c) other capital money received by them in respect of the undertaking ; and

(d) any contribution or contributions made to the Board by the Minister or by the county council in pursuance of the Rural Water Supplies and Sewerage Act, 1944, towards the expenses incurred or to be incurred by the Board on capital account,

7 & 8 Geo. 6.
c. 26.

shall be applied by them—

first, in payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties and damages incurred or payable by the Board consequent upon any proceedings by or against them their officers, clerks or servants in relation to the undertaking ;

secondly, in payment of the sums referred to in section 21 of this order ;

thirdly, in payment of the interest on moneys borrowed by the Board under statutory borrowing power ;

fourthly, in providing the requisite appropriations or sinking fund payments or instalments in respect of the repayment of moneys borrowed by the Board under any statutory borrowing power ;

fifthly, in payment of all other expenses of executing this order, not being expenses properly chargeable to capital ;

sixthly, in extending improving and constructing (if the Board think fit) any works for the purpose of the undertaking ;

seventhly, in providing working capital (if the Board think fit) ; and

eightly, in setting apart (if the Board think fit) money for a reserve fund under the next following section..

(2) Any credit or debit balance remaining over in any year including any balance brought forward shall be carried forward to the following year.

(3) All capital moneys at any time received by the Board in respect of the disposal of any property forming part of the undertaking shall be applied by them in the reduction of the capital moneys borrowed by them or in such other way as may be approved by the Minister, and any such reduction shall be in addition to and not in substitution for any other mode of extinguishment, except to such extent and upon such terms as may be approved by the Minister.

24.—(1) The Board may, subject to the provisions of this section, by setting apart in any year out of revenue such sums as they think fit, form and maintain a reserve fund for the purpose of meeting any extraordinary claim or demand, which may at any time be made upon them or defraying the cost of renewing, repairing, enlarging or improving any part of the works forming part of the undertaking. Reserve fund.

(2) Any sums so set apart for the formation or maintenance of a reserve fund may from time to time be invested in statutory securities, and, subject to the provisions of the next following subsection, the dividends and interest arising from such securities may also be invested in the same or like securities so as to accumulate at compound interest for the credit of the fund.

(3) Whenever and so long as, the amount standing to the credit of the reserve fund amounts to a sum equal to one-tenth of the capital expenditure theretofore incurred by the Board and by the constituent councils upon the undertaking, no contributions from the revenue of the undertaking shall be made to the fund, and the interest and dividends on the fund shall not be invested by shall be treated as the income of the undertaking.

(4) The amount which, subject to the provisions of the last foregoing subsection, may be carried by the Board in any year to the formation or maintenance of the reserve fund shall not exceed a sum equal to one per cent. of the capital expenditure theretofore incurred by the Board and by the constituent councils upon the undertaking.

25.—(1) The Board shall before the commencement of any financial year make or cause to be made estimates of the probable revenue and expenditure (other than capital expenditure) to be received or incurred by them during that year, including any amount carried forward from any previous year. Apportionment of deficiency in revenue of Board.

(2) If the estimates show that there will be a deficiency in the net revenue of the Board in that year, the Board shall forthwith apportion the sum required to meet the deficiency between all the constituent councils in the proportion which the total rateable value of the hereditaments in each constituent district bears to the total rateable value of the hereditaments in all the constituent districts.

(3) The Board shall before the first day of March in each year issue to each of the constituent councils a precept for a sum equal to the amount apportioned to that council in pursuance of this section, and each constituent council shall within two months after the said date (or by instalments of such amounts and payable within such times as may be specified in the precept issued to them) pay to the Board the sum stated in the precept.

(4) Any sum mentioned in a precept issued under this section by the Board to any constituent council shall be a debt due from that council and may be recovered accordingly, without prejudice however to the right of the Board to exercise any powers conferred upon them by section 13 of the Rating and Valuation Act, 1925.

15 & 16
Geo. 5. c. 90.

Common
fund of
Board.

26.—(1) Any expenses incurred by the Board shall be defrayed out of a common fund to which all the receipts of the Board shall be carried.

(2) All orders for payment from the common fund of the Board shall be signed by at least two members of the Board and shall be countersigned by the clerk of the Board, or, in his absence or inability by such other officer as the Board may authorise for that purpose.

Accounts
and audit.

27.—(1) The accounts of the Board shall at all reasonable times be open to inspection and transcription without payment by any member of a constituent council or the county council or by any officer of any such council authorised by that council for that purpose, and shall be subject to audit by a district auditor.

(2) A copy of the abstract of the accounts of the Board and of any report to the Board made by a district auditor shall be sent by the Board to each constituent council and the county council as soon as may be after completion of the audit.

Powers of
constituent
councils
to lend
money to
Board.

28. A constituent council or the county council may with the consent of the Minister lend to the Board any sum which the Board are authorised to borrow on such terms and conditions and in such form as may be agreed between the Board and the council.

PART VI

MISCELLANEOUS

Compensation of
officers.

29. Any compensation payable under section 44 of the Water Act, 1945, to any officer or servant of any constituent council in consequence of this order or anything done in pursuance of this order shall be payable by the Board.

Saving of
agreements
&c.

30. Except as in this order otherwise provided all sales, conveyances, grants, assurances, deeds, contracts, bonds and agreements affecting any of the existing undertakings and in force on the appointed day shall as from the appointed day be read and construed and be as binding and of as full force in every respect against or in favour of the Board and may be enforced as fully and effectually as if instead of the constituent council the Board had been a party thereto or bound thereby or entitled to the benefit thereof:

Provided that no sale, conveyance, grant, assurance, deed, contract, bond or agreement made or entered into by any of the said bodies after the date when this order comes into force shall be binding on or of any force or effect against or in favour of the Board unless it is entered into with the consent in writing of the Board.

31. Nothing in this order shall release discharge or suspend any action, arbitration or other proceeding which shall be pending by or against any constituent council in relation to their water undertaking or to which any of the said bodies in relation as aforesaid shall be a party on the appointed day, and any such action, arbitration or other proceeding, save so far as it relates to any sale, conveyance, grant, assurance, deed, contract, bond or agreement not binding on the Board under the last foregoing section or to any tortious act of any servant of any constituent council, may be maintained, prosecuted or continued by or in favour of or against the Board.

Con-
tinuance of
proceed-
ings.

32. All books and documents which if this order had not been made would have been evidence in respect of any matter for or against any constituent council shall in so far as they relate to any of the existing undertakings on and after the appointed day be admitted in evidence in respect of the same or the like matter for or against the Board.

Books to
remain
evidence.

33. The local enactments mentioned in the fourth schedule to this order shall to the extent therein specified be repealed on the appointed day.

Repeal of
local enact-
ments.

34. All expenses of and incidental to the constitution of the Board shall in the first instance be paid by the county council but shall be repaid to them by the Board.

Costs of
order.

FIRST SCHEDULE

PART I

CONSTITUENT DISTRICTS

- The borough of Wenlock.
- The urban districts of Dawley, Oakengates and Wellington.
- The rural district of Wellington.
- The rural district of Shifnal except the parishes of Albrighton, Boningale and Donington.

PART II

<i>Name of Council</i>						<i>No. of Members</i>
Wenlock Borough Council .. .. .	..	..	..	..	..	3
Dawley Urban District Council .. .. .	..	..	..	..	..	3
Oakengates Urban District Council .. .. .	..	..	..	..	..	3
Wellington Urban District Council .. .. .	..	..	..	..	..	3
Shifnal Rural District Council .. .. .	..	..	..	..	..	3
Wellington Rural District Council .. .. .	..	..	..	..	..	3
Salop County Council .. .. .	..	..	..	..	..	3
						—
						21
						—

SECOND SCHEDULE

RULES AS TO MEETINGS AND PROCEEDINGS

1. The first meeting of the Board shall be convened by the clerk of the county council on such day (not being later than two calendar months after the date when this order comes into force) and at such place as may be fixed by the said clerk.
- 2.—(1) The first meeting of the Board shall be the annual meeting for the year commencing on the first day of April, 1948, and thereafter the first meeting in any year shall be the annual meeting.
- (2) The Board shall in every year after the first year hold an annual meeting and at least three other meetings for the transaction of general business, which as near as may be shall be held at regular intervals.

3.—(1) The Board shall at their annual meeting appoint one of their number to be chairman and the chairman shall unless he resigns his office or ceases to be a member of the Board continue in office until his successor is appointed:

Provided that if there be an equality of votes as to the appointment of chairman it shall be decided by lot which of the members having an equal number of votes shall be appointed as chairman.

(2) The Board may at their annual meeting appoint one of their number to be vice-chairman who shall unless he resigns his office or ceases to be a member of the Board continue in office until immediately after the election of the chairman at the next annual meeting.

4.—(1) On a casual vacancy occurring in the office of chairman or vice-chairman of the Board the vacancy shall be filled by the appointment by the Board of one of their number at a meeting held as soon as practicable after the vacancy occurs and where the office vacant is that of chairman the meeting may be convened by the clerk of the Board.

(2) The person appointed under this rule to fill a casual vacancy shall hold office until the date upon which the person in whose place he is appointed would regularly have retired and he shall then retire.

5.—(1) At a meeting of the Board the chairman if present shall preside.

(2) If the chairman is absent from a meeting of the Board the vice-chairman if present shall preside.

(3) If both the chairman and vice-chairman of the Board are absent such member of the Board as the members present shall choose shall preside.

6.—(1) The chairman of the Board may call a meeting of the Board at any time.

(2) If the chairman refuses to call a meeting of the Board after a requisition for that purpose, signed by four members of the Board, has been presented to him, or if, without so refusing, the chairman does not call a meeting within seven days after such a requisition has been presented to him, any four members of the Board on that refusal or on the expiration of seven days, as the case may be, may forthwith call a meeting of the Board.

(3) Three clear days at least before a meeting of the Board—

(a) notice of the time and place of the intended meeting shall be published at the offices of the Board and where the meeting is called by members of the Board the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(b) a summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the clerk of the Board shall be left at or sent by post to the usual place of residence of every member of the Board:

Provided that—

(i) want of service of the summons on any member of the Board shall not affect the validity of a meeting; and

(ii) no business shall be transacted at a meeting called by members of the Board other than that specified in the notice thereof.

7. No business shall be transacted at a meeting of the Board unless at least seven members are present thereat.

8. A copy of the minutes of proceedings at each meeting of the Board shall be sent to the clerks of the constituent councils within twenty-one days after the date of the meeting.

9. The provisions of paragraphs 1 to 5 of part V of the third schedule to the Local Government Act 1933 shall apply to the Board as if the Board were a local authority and as if for references therein to the said Act there were substituted references to this order.

THIRD SCHEDULE

ENACTMENTS APPLIED TO THE BOARD

PART I

Wellington (Salop) Order, 1933, confirmed by the Ministry of Health
Provisional Order Confirmation (Wellington Salop) Act, 1933. 23 & 24 Geo. 5.
c. xcii.

Section 10.

PART II

<i>Provisions of the Local Government Act, 1933, applied</i>	<i>Subject matter</i>
Subsection (4) of section 107 and sections 119 to 123. Sections 195 to 200 and 202 to 218. Sections 253, 254, 256 and 258. Section 266. Section 267. Sections 277 and 278. Sections 287 to 289.	Officers. Borrowing. Promotion, etc., of Bills. Contracts. Conferences of local authorities. Legal proceedings. Notices, etc.

FOURTH SCHEDULE

LOCAL ENACTMENTS REPEALED

Oakengates Urban District Council Act, 1925—

15 & 16 Geo. 5.
c. xlviii.

Part II (Acquisition of Waterworks, &c.), Part III (Works and Lands),
Part IV (Supply of Water) and Part VII (Finance).

Wellington (Salop) Improvement Act, 1854—

17 & 18. Vict.
c. xl.

Sections xlix, lvi, lviii, lix and so much of sections l, li, lii and liii as
relates to the Wellington Waterworks Company.

Wellington (Salop) Waterworks Act, 1860—

23 & 24 Vict.
c. xcv.

The whole Act.

*Wellington (Salop) Order, 1933 (confirmed by the Ministry of Health
Provisional Order Confirmation (Wellington Salop) Act, 1933)—*

23 & 24 Geo. 5.
c. xcii.

The whole order, except section 10.

Given under the official seal of the Minister of Health this third
day of November, nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under-Secretary,
Ministry of Health.

1948 No. 2453

WATER, ENGLAND

The Nottinghamshire Area (Conservation of Water) Order, 1948

Made - - - - - 10th September, 1948

Coming into Operation 10th November, 1948

M.H.107194.

The Minister of Health, in exercise of the powers conferred on him by section 14 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This Order may be cited as the Nottinghamshire Area (Conservation of Water) Order, 1948.

2. The area consisting of the part of a county and the districts and parts of districts specified in the schedule to this order is hereby defined as an area to which the provisions of section 14 of the Water Act, 1945, are to apply.

SCHEDULE

Part of a county, districts and parts of districts comprised in the Area

The county of Nottingham, except—

the urban district of Eastwood ;

in the rural district of Basford, the parishes of Awsworth, Brinsley, Cossall, Felley, Normanton upon Soar, Rempstone, Selston, Stanford upon Soar, Sutton Bonington, Thorpe in the Glebe and Willoughby on the Wolds ;

in the rural district of Bingham, the parishes of Hickling and Over Broughton ;

in the rural district of East Retford, so much of the parishes of Finningley and Misson as is included in the area defined by the Goole Area (Conservation of Water) Order, 1948(b).

The county borough of Nottingham.

In the county of Derby—

the urban district of Bolsover ;

the rural district of Clowne ;

in the rural district of Blackwell, the parishes of Ault Hucknall, Glapwell, Pleasley, Scarcliffe and Shirebrook.

In the county of York, West Riding—

the urban districts of Maltby and Tickhill ;

the rural district of Kiveton Park ;

in the rural district of Doncaster, the parishes of Austerfield, Bawtry, Braithwell, Conisbrough Parks, Edlington, Loversall, Rossington, Stainton and Wadworth, and so much of the parishes of Auckley, Blaxton, Cantley and Warmsworth as is not included in the area defined by the Goole Area (Conservation of Water) Order, 1948(b) ;

in the rural district of Rotherham, the parishes of Hooton Levett and Thurcroft.

Given under the official seal of the Minister of Health this tenth day of September, nineteen hundred and forty-eight.

(L.S.)

H. Symon,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

**The Stafford and Derby Area (Conservation of Water)
Order, 1948**

Made - - - - - 19th August, 1948

Coming into Operation 10th November, 1948

107318.

The Minister of Health, in exercise of the powers conferred on him by section 14 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the Stafford and Derby Area (Conservation of Water) Order, 1948.

2. The area consisting of the part of a county, and the districts and parts thereof, specified in the schedule to this order is hereby defined as an area to which the provisions of section 14 of the Water Act, 1945, are to apply.

SCHEDULE

Part of a county, and districts and parts thereof, comprised in the area

The county of Stafford, except—

the boroughs of Bilston, Rowley Regis, Tipton and Wednesbury ;
the urban districts of Aldridge, Coseley, Darlaston and Willenhall ;
the parish of Quarry Bank in the urban district of Brierley Hill ;
the parishes of Branstone and Stretton in the rural district of Tutbury.

The county boroughs of Derby, Stoke-on-Trent, Walsall, West Bromwich and Wolverhampton.

In the county of Derby—

the urban districts of Ashbourne, Long Eaton, and Swadlincote District ;
in the rural district of Ashbourne, the parishes of Alkmonton, Bentley Hungry, Boylestone, Bradley, Brailsford, Clifton and Compton, Cubley, Doveridge, Edlaston and Wyaston, Hollington, Hulland, Hulland Ward, Longford, Mapleton, Marston Montgomery, Mercaston, Norbury and Roston, Offcote and Underwood, Osmaston, Rodsley, Shirley, Snelston, Somersal Herbert, Sudbury, Yeaveley and Yeldersley ;
in the rural district of Belper, the parishes of Allestree, Darley Abbey, Kedleston, Kirk Langley, Mackworth, Quarndon, Ravensdale Park, Turnditch and Weston Underwood ;
the rural districts of Repton and Shardlow.

In the county of Salop—

the borough of Bridgnorth ;
in the rural district of Bridgnorth, the parishes of Astley Abbots, Claverley, Eardington, Quatt Malvern, Rudge, and Worfield ;
the rural district of Shifnal ;
in the rural district of Wellington, the parishes of Chetwynd Aston and Woodcote.

Given under the official seal of the Minister of Health this nineteenth day of August nineteen hundred and forty-eight.

(L.S.)

E. Russell Smith,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Eastbourne Water Order, 1948

Made - - - - 12th November, 1948

Coming into Operation 12th November, 1948

M.H.108539.

8 & 9 Geo. 6.
c. 42.

The Minister of Health, in exercise of the powers conferred on him by sections 9 and 23 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

Short and
collective
titles.

1.—(1) This order may be cited as the Eastbourne Water Order, 1948.

(2) The Eastbourne Waterworks Acts, 1859 to 1921, and this order may be cited together as the Eastbourne Waterworks Acts and Order, 1859 to 1948.

Incorpora-
tion of
Acts.

2.—(1) The following enactments (so far as they are applicable to the purposes of this order and are not inconsistent with the provisions of the Eastbourne Waterworks Acts, 1859 to 1948) are hereby incorporated with this order:—

8 & 9
Vict. c. 17.

(a) The Companies Clauses Consolidation Act, 1845, (except the provisions thereof with respect to the conversion of borrowed money into capital and with respect to the provision to be made for affording access to the special Act by all parties interested) as amended by subsequent Acts;

26 & 27
Vict. c. 118.

(b) Part I relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act, 1863, as amended by subsequent Acts.

(2) In the construction of the enactments so incorporated with this order, the expression “special Act” shall be read as a reference to this order and the expression “the Undertakers” shall mean the Company.

(3) For the purposes of this order section 94 of the Third Schedule to the Water Act, 1945, which requires undertakers to keep a copy of the special Act at their principal office, and to deposit copies with certain officers) shall apply to the undertaking.

Interpre-
tation.

3. In this order, unless the context otherwise requires,—

“the Company” means the Eastbourne Waterworks Company;

“the Hailsham Company” means the Hailsham Water Company;

“the scheduled agreement” means the agreement set out in the first schedule to this order;

“the date of amalgamation” means the first day of January, 1949;

“the Hailsham undertaking” means the undertaking described in clause 1 of the scheduled agreement;

“the undertaking” means the undertaking of the Company as for the time being authorised ;

“the existing limits” means the limits within which the Company are authorised to supply water by the Eastbourne Waterworks Act, 1859, the Eastbourne Waterworks Act, 1881, and the Eastbourne Waterworks Act, 1896 ;

22 & 23
Vict.
c. xcix.
44 & 45
Vict. c. 1.
59 & 60
Vict. c.
clxxxvii.

“the added limits” means the areas described in the second schedule to this order, being the limits within which under the Hailsham Water Acts and Orders, 1885 to 1939, the Hailsham Company are authorised to supply water ;

“the limits of supply” means the limits within which the Company are for the time being authorised to supply water.

4. Subject to the provisions of this order, on the date of amalgamation the undertaking and the Hailsham undertaking shall be amalgamated, and accordingly on that date the Hailsham undertaking shall by virtue of this order be transferred to and vest in the Company upon the terms of the scheduled agreement and become part of the undertaking.

Amalgama-
tion of
under-
takings.

5. On the date of amalgamation the Company shall pay to the Hailsham Company—

Considera-
tion for
transfer.

(a) the sum of twenty-one thousand and sixty-eight pounds for the purpose of distribution among the shareholders of the Hailsham Company as follows—

(i) to each holder of ordinary shares in the capital of the Hailsham Company, for every such share held by him the sum of ten pounds ten shillings ; and

(ii) to each holder of preference shares in the capital of the Hailsham Company, for every such share held by him the sum of one pound two shillings ;

(b) the sum of ten thousand three hundred and eighty-four pounds, four shillings, to be applied by the Hailsham Company in paying to each holder of debenture stock of the Hailsham Company one hundred and eight pounds in satisfaction of each one hundred pounds of such debenture stock held by him and so in proportion in satisfaction of any amount of such debenture stock held by him of less than one hundred pounds.

6. Within one month before the date of amalgamation the directors of the Hailsham Company may, without first obtaining the sanction of that Company in general meeting, pay in respect of any part of the period of twelve months ending on the date of amalgamation dividends at such rates as together with any dividends which have already been paid will not exceed—

Payment of
dividends by
Hailsham
Company.

(a) in the case of the preference shares of the Hailsham Company, the rate of four pounds ten shillings per centum per annum ;

(b) in the case of the ordinary shares of the Hailsham Company, the rate of five pounds per centum per annum.

Receipt for
considera-
tion.

15 & 16
Geo. 5. c. 49.

Saving of
pending
actions.

Saving of
contracts.

Transfer of
liabilities.

Collection of
outstanding
debts.

7. The receipt in writing of two directors of the Hailsham Company for any money paid or delivered to the Hailsham Company shall effectually discharge the Company from the sum of money which shall be acknowledged therein to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss, misapplication or non-application thereof ; and if from any cause the Company are unable to obtain any such receipt from the directors of the Hailsham Company they may lodge the money in the Supreme Court in accordance with rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act, 1925, and a certificate given in accordance with those rules stating that the money has been so lodged shall have the same effect for the purposes of this section as the receipt of two directors of the Hailsham Company.

8. Any action, arbitration or proceeding and any cause of action, arbitration or proceeding which shall at the date of amalgamation be pending or existing by or against or in favour of the Hailsham Company shall not abate or be discontinued or be in any wise prejudicially affected by reason of the transfer to the Company of the Hailsham undertaking or of anything in this order, but may be continued, prosecuted and enforced by, against or in favour of the Company as and when it might have been continued, prosecuted and enforced by, against or in favour of the Hailsham Company if this order had not been made, but not further or otherwise.

9. Except as by this order otherwise provided, all contracts, agreements, conveyances, deeds, leases, licences and other instruments affecting the Hailsham Company and in force at the date of amalgamation (other than the scheduled agreement) shall as from that date be as binding and of as full force and effect against or in favour of the Company, and may be enforced against or in favour of the Company as fully and effectually, as if instead of the Hailsham Company the Company had been a party thereto or bound thereby or entitled to the benefit thereof ; but nothing in this order or done thereunder shall prejudice or affect the right of the Company to terminate any such contract or agreement at such time and in such manner as it might have been terminated if this order had not been made.

10. The Company shall take over, bear, pay and discharge and indemnify the Hailsham Company against all debts and liabilities of the Hailsham Company in respect of the Hailsham undertaking which are outstanding on the date of amalgamation (other than any mortgage, debenture, debenture stock or other similar charge) and the Company shall observe and perform all obligations attaching to the Hailsham Company at the said date (other than as aforesaid) and shall indemnify the Hailsham Company against any claim or demand in respect thereof.

11. All rents, rates and charges and other sums and debts at the date of amalgamation due and payable or accruing due and payable to the Hailsham Company shall be payable to, and may be collected, recovered and enforced by, the Company in the same manner and with and by the same benefits and processes as those with and by which the Hailsham Company might have collected, recovered and enforced them, and shall belong to the Company for their own benefit.

12. All books and documents which, if this order had not been made, would have been evidence in respect of any matter for or against the Hailsham Company in relation to the Hailsham undertaking shall on and after the date of amalgamation be admitted in evidence in respect of the same or the like matter for or against the Company.

Books etc.
to remain
evidence.

13.—(1) Subject to the provisions of this order, any sum in cash paid to the holder of ordinary or preference shares or of debenture stock of the Hailsham Company in pursuance of the scheduled agreement shall be held in the same rights, on the same trusts and subject to the same powers, provisions, charges and liabilities as those in or subject to which the said ordinary or preference shares or debenture stock of the Hailsham Company (as the case may be) were held immediately before the date of amalgamation, and so as to give effect to and not to revoke any deed, will or other instrument or testamentary or other disposition disposing of or affecting the said ordinary or preference shares or debenture stock of the Hailsham Company, and every such deed, will, instrument or disposition shall take effect with reference to the whole or a proportionate part, as the case may be, of the cash paid.

Cash
payments
to be held
on same
trusts as
securities
of the
Hailsham
Company.

(2) Any bequest of or any covenant or provision of any deed, will or other instrument relating to any specific number of or nominal amount of ordinary or preference shares or debenture stock of the Hailsham Company shall be held to apply to the sum of cash which under the provisions of the scheduled agreement is paid in substitution for such specific number or nominal amount of shares or stock of the Hailsham Company.

(3) Trustees, executors and administrators and all other persons in any representative or fiduciary capacity and persons under disability shall accept the sums of cash paid to them in pursuance of the scheduled agreement and may hold, dispose of or otherwise deal with them in all respects as they might have held, disposed of or otherwise dealt with the ordinary or preference shares or debenture stock of the Hailsham Company for which they are substituted.

14. All officers and persons who at the date of amalgamation have in their possession or under their control any books, documents, papers, moneys or effects forming part of the Hailsham undertaking, or to which the Hailsham Company would but for the transfer of the Hailsham undertaking to the Company have been entitled, shall be liable to account for and deliver them up to the Company or to such persons as the Company may appoint to receive them, and subject to the same consequences on refusal or neglect as if they had been appointed by and become possessed thereof for the Company:

Officers of
Hailsham
Company
accountable
for books.

Provided that any books, documents and papers which relate exclusively to the shareholders in and the constitution of the Hailsham Company or may otherwise be necessary for the purpose of winding up the Hailsham Company may be retained by the Hailsham Company so long as may be necessary for that purpose and shall be delivered to the Company not later than the completion of the winding up of the Hailsham Company.

15. On the date of amalgamation the Company shall pay to the Hailsham Company as compensation to the directors of the Hailsham Company for loss of office the sum of three hundred pounds.

Compensa-
tion to
directors of
Hailsham
Company.

16.—(1) From and after the date of amalgamation the Hailsham Company shall subsist only for the purpose of receiving and recovering the money to which the shareholders, debenture stockholders and directors of the Hailsham Company are entitled under this order or the scheduled agreement and of distributing any dividends, interest or other moneys to be distributed by them and of winding up their affairs and carrying into effect the purposes of this order so far as they relate to the Hailsham Company, and the directors of that company who are in office at the date of amalgamation or the survivors of them shall continue in office without re-election and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section.

(2) If the number of directors of the Hailsham Company be reduced below two before the completion of the winding up of that Company, the continuing director shall from time to time choose any person who immediately prior to the date of amalgamation was a shareholder of the Hailsham Company to fill the vacancy so caused.

(3) As soon as practicable after the date of amalgamation the directors of the Hailsham Company shall proceed to wind up the affairs of the Hailsham Company, and the property of that company, other than that transferred to the Company under and by virtue of this order and the scheduled agreement, shall on the winding up thereof be applied in satisfaction of their liabilities (if any) other than those transferred to the Company under and by virtue of this order and the scheduled agreement, and subject to such application shall be distributed among the ordinary shareholders of the Hailsham Company in accordance as nearly as may be with the provisions of the scheduled agreement:

Provided that for the purposes of this subsection the several persons whose names appear in the books of the Hailsham Company at the date of amalgamation to be the shareholders and the debenture stockholders of that company shall, unless the contrary be proved to the satisfaction of the directors of that company, be considered to be shareholders and debenture stockholders of the Hailsham Company, and the receipt in writing of such persons or of their executors or administrators or of the guardian of the estate of any such person being a minor shall be an effectual discharge to the Hailsham Company and the directors thereof.

(4) As soon as reasonably practicable after the date of amalgamation the directors of the Hailsham Company shall publish, in such manner as may be best adapted for informing persons affected, notice that the affairs of the Hailsham Company are about to be wound up and of the time within which any person claiming to be a creditor of that company must send to that company his name and address and the particulars of any debt or claim not transferred to the Company by virtue of this order.

(5) Where the directors of the Hailsham Company are for six months after the date of amalgamation unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt therefor they may pay such money into Court as if it belonged to a trust of which they were trustees.

(6) Upon the purposes specified in this section being fulfilled and the affairs of the Hailsham Company being by a resolution of the directors of that company declared to be wound up, the Hailsham Company shall be by virtue of this order dissolved and shall thenceforth cease to exist.

17. On and after the date of amalgamation the limits of supply shall include the added limits, and the provisions of the Eastbourne Water Acts, 1859 to 1921, shall, with any necessary modifications and subject to the provisions of this order, extend to the added limits, and subject as aforesaid the Company within the added limits shall have and may exercise all and the like powers, rights, privileges and authorities, and shall be subject to the like duties and obligations, as they now have and are subject to within the existing limits:

Extension of Eastbourne limits of supply and of Eastbourne enactments.

Provided that the provisions of sections 3 and 8 of the Eastbourne Waterworks Act, 1921, (which relate to charges to be made by the Company for a supply of water) shall not extend to or be in force within the added limits.

11 & 12 Geo. 5. c. xxvi.

18. As from the date of amalgamation the Hailsham Water Act and Orders, 1885 to 1939, shall be repealed, except so far as it may be necessary for any of the provisions of the said Act or Orders to remain unrepealed for the purpose of winding up the Hailsham Company:

Partial repeal of Hailsham enactments.

Provided that the provisions of the said Orders mentioned in part I of the third schedule to this order (being provisions relating to charges for a supply of water in the added limits), and the provisions thereof mentioned in part II of that schedule, shall continue in force as respects the area as respects which and to the extent to which they were in force immediately before the date of amalgamation, and subject as aforesaid the Company shall be subject to the obligations and may exercise the rights conferred by the said provisions in all respects as if the Company had been referred to therein instead of the Hailsham Company.

19.—(1) As from the date of amalgamation the power of the Hailsham Company of raising money by the creation and issue of additional share capital which then remains unexercised shall, notwithstanding the repeal by this order of any enactment conferring those powers, be exercisable by the Company by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes respectively:

As to unexercised powers of Hailsham Company of raising share capital.

Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of share capital than shall be sufficient to produce including any premiums and allowing for any discounts which may be obtained or allowed the sum of thirty thousand pounds.

(2) Sections 24 to 30 of the Eastbourne Waterworks Act, 1921, (which relate to the method of issue and rights of holders of share capital) shall *mutatis mutandis* extend and apply to any shares or stock issued under the provisions of this section as if they were issued under the said Act.

20.—(1) The Company may without further or other authority borrow on mortgage of the undertaking in respect of the share capital issued by them at the thirty-first day of December, 1947, any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock by the Company before the said thirty-first day of December and outstanding at the date or respective dates on which the Company exercise the powers of this subsection) two hundred and twenty-six thousand, nine hundred and seventy-four pounds.

Power to borrow.

(2) The Company may also, subject to the provisions of this order, borrow on mortgage of the undertaking in respect of the share capital issued by them after the said thirty-first day of December (including any capital issued under section 19 of this order) any sum or sums not exceeding in the whole fifty per centum of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such share capital:

Provided that no sum shall be borrowed in respect of any such share capital until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act, 1845, that the whole of the amounts payable in respect of that share capital, together with the premiums (if any) realised on the sale thereof, has been fully paid up.

Debenture stock.

21. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act, 1863, as amended in its application to the Company, and of section 33 of the Eastbourne Waterworks Act, 1897, (which regulates the priority of interest payable on debenture stock and mortgages created and issued by the Company).

60 & 61 Vict. c. cxxiv.

Limit of interest on borrowed money.

22. The Company shall not without the consent of the Minister of Health pay interest at a higher rate than five pounds per centum per annum in respect of any money borrowed or any debenture stock issued after the date of this order.

Existing mortgages to have priority.

23. All mortgages granted by the Company in pursuance of or in conformity with any Act before the date of this order and subsisting at the said date shall, during the subsistence of such mortgages and subject to the provisions of the Act in pursuance of or in conformity with which they were granted, have priority over any mortgages granted under the authority of this order, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of money.

24.—(1) All money raised under this order, including premiums, shall be applied only to purposes to which capital is properly applicable.

(2) The Company may apply to any of the purposes of this order to which capital is properly applicable any money which they have raised under the Eastbourne Waterworks Acts, 1859 to 1921.

Appointment of receiver.

25. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds.

Compensation to officers.

26. Any compensation payable under section 44 of the Water Act, 1945, in consequence of this order or anything done in pursuance of this order shall be payable by the Company.

Repeal.

27. The provisions of the Eastbourne Waterworks Acts, 1859 to 1921, specified in the fourth schedule to this order shall be repealed on the coming into force of this order.

28. All costs, charges and expenses of and incidental to the application for this order and the preparation and making of this order shall be paid by the Company and may in whole or in part be defrayed out of revenue. Costs of order.

FIRST SCHEDULE

AN AGREEMENT made the Tenth day of December One thousand nine hundred and forty-seven between THE EASTBOURNE WATERWORKS COMPANY (hereinafter referred to as "the Eastbourne Company") of the one part and THE HAILSHAM WATER COMPANY (hereinafter referred to as "the Hailsham Company") of the other part.

Whereas the Eastbourne Company were incorporated by the Eastbourne Waterworks Act 1859 and are authorised by the Eastbourne Waterworks Acts 1859 to 1921 to supply water and are under those Acts supplying water within limits of supply which comprise the borough of Eastbourne and certain other areas in the County of Sussex :

And Whereas the Hailsham Company were incorporated by the Hailsham Water Act 1885 and are authorised by the Hailsham Water Act and Orders 1885 to 1939 to supply water and are under the said Act and Orders supplying water within limits of supply which comprise certain parishes and parts of parishes in the rural district of Hailsham in the County of Sussex :

And Whereas the authorised capital of the Hailsham Company amounts to fifty thousand pounds of which shares to the nominal value of nineteen thousand eight hundred and eighty pounds have been issued as follows:—

<i>Description of Capital</i>	<i>Dividend Authorised</i>	<i>Amount</i> £
Ordinary shares of ten pounds each ...	10 per centum maximum dividend.	16,000
Preference shares of one pound each ...	4½ per centum preferential dividend.	3,880
		<hr/> £19,880 <hr/>

And Whereas the Hailsham Company have created and issued debenture stock to the amount of nine thousand six hundred and fifteen pounds as follows:—

<i>Description of Debenture Stock</i>	<i>Rate of Interest</i>	<i>Amount</i> £
Irredeemable debenture stock	4 per centum	1,000
Debenture stock redeemable at par on 31st December, 1966 or at the option of the Directors at 102 per centum after 31st December, 1956	4 per centum	6,600
Debenture stock redeemable at par on 31st December, 1966 or at the option of the Directors at 102 per centum after 31st December, 1956	4 per centum	2,015
		<hr/> £9,615 <hr/>

And Whereas subject as hereinafter mentioned the Eastbourne Company and the Hailsham Company have agreed that their several undertakings should be amalgamated and that such amalgamation should be effected in the manner hereinafter mentioned and upon and subject to the terms and conditions hereinafter contained.

NOW THEREFORE IT IS HEREBY AGREED as follows:—

1. In this Agreement unless the context otherwise requires—

"the intended Order or Orders" means the Order or Orders referred to in clause 14 of this Agreement ;

“the date of amalgamation” means the first day of July or the first day of January whichever first occurs after—

(a) the date on which the intended Order or Orders comes or come into effect ; or

(b) (if the intended Orders come into effect on different dates) the date on which the last of such Orders comes into effect ;

whichever of those dates is the latest ;

“the Hailsham undertaking” means the whole undertaking of the Hailsham Company including—

(a) all the lands buildings waterworks waters sources of supply works machinery mains pipes meters plant spare parts tools apparatus vehicles stock in trade stores furniture chattels effects deeds agreements contracts plans blue prints specifications engineer’s opinions and reports books records vouchers letters and other documents belonging to the Hailsham Company on the date of amalgamation ;

(b) all bank balances and cash and other balances (including any balances of any reserve contingency renewal or other fund or account and consumers’ deposits) in the hands of the Hailsham Company or in the hands of their bankers agents or servants on the date of amalgamation and investments and securities for money ;

(c) all water rates rents book debts and other sums of money which on the date of amalgamation are due or payable to or are accruing due to the Hailsham Company ;

(d) all assets rights powers easements interests and privileges vested in or which were enjoyed by the Hailsham Company at the date of amalgamation ;

(e) all other the real and personal property belonging to the Hailsham Company on the date of amalgamation

but does not include such a sum of money as may be required to enable the Hailsham Company to pay or complete the payment of the dividends which may be paid in pursuance of clause 6 of this Agreement.

2. Subject as hereinafter provided the Hailsham undertaking as it exists as a going concern on the date of amalgamation shall as on and from that date be amalgamated with the undertaking of the Eastbourne Company by a transfer to and vesting in the Eastbourne Company of the Hailsham undertaking.

3. The undertaking of the Hailsham Company shall (subject as in this Agreement provided) be transferred to the Eastbourne Company free from all mortgages debentures debenture stock or other similar charges.

4. As part of the consideration for the said amalgamation the Eastbourne Company shall on the date of amalgamation pay to the Hailsham Company the sum of twenty-one thousand and sixty-eight pounds for the purpose of distribution among the shareholders of the Hailsham Company as follows—

(a) to each holder of ordinary shares in the capital of the Hailsham Company for every such share held by him the sum of ten pounds ten shillings ; and

(b) to each holder of preference shares in the capital of the Hailsham Company for every such share held by him the sum of one pound two shillings.

5. As further part of the consideration for the said amalgamation the Eastbourne Company shall on the date of amalgamation pay to the Hailsham Company the sum of ten thousand three hundred and eighty-four pounds four shillings which sum shall be applied by the Hailsham Company in paying to each holder of debenture stock of the Hailsham Company one hundred and eight pounds in satisfaction of each one hundred pounds of such debenture stock held by him and so in proportion in satisfaction of any amount of such debenture stock held by him less than one hundred pounds.

6. Notwithstanding the amalgamation hereby agreed to be made the Hailsham Company may out of the funds of the Hailsham Company which if this Agreement had not been made would have been available for the purpose pay in respect of any period ending on the date of amalgamation for which no dividends have previously been paid dividends (less income tax) at such rates as they may determine not exceeding in the case of—

(a) the preference shares of the Hailsham Company at the rate of four pounds ten shillings per centum per annum ; and

(b) the ordinary shares of the Hailsham Company at the rate of five pounds per centum per annum.

7. As remaining parts of the consideration for the said amalgamation the Eastbourne Company shall take over bear pay and discharge and indemnify the Hailsham Company against all the debts and liabilities of the Hailsham Company in respect of the Hailsham undertaking which are outstanding on the date of amalgamation other than any mortgage debenture debenture stock or other similar charge and the Eastbourne Company shall also observe and perform all obligations attaching to the Hailsham Company at the said date (other than as aforesaid) and shall indemnify the Hailsham Company against any claim or demand in respect thereof.

8. On the date of amalgamation possession of the Hailsham undertaking shall be given to the Eastbourne Company and the Hailsham Company and all other necessary parties shall execute and do all such assurances and things for vesting the Hailsham undertaking in the Eastbourne Company (if and so far as the same shall not be or become vested in the Eastbourne Company without any assurance by or in pursuance of the intended Order or Orders) and for giving to the Eastbourne Company the full benefit of this Agreement as shall be reasonably required by the Eastbourne Company.

9. The Hailsham Company shall on the date of amalgamation or so soon thereafter as is reasonably practicable deliver to the Eastbourne Company all deeds agreements books plans reports descriptions of work vouchers letters and other records of the business and proceedings of the Hailsham Company and originals of all other drafts or writings in the possession or under the control of the Hailsham Company or their servants relating to the Hailsham Company as the Eastbourne Company may reasonably require other than and except such books as relate exclusively to the shareholders in and the constitution of the Hailsham Company and as may be necessary for the purpose of winding up the Hailsham Company: Provided that such last-mentioned books shall be delivered to the Eastbourne Company on the completion of the winding up of the Hailsham Company.

10. From the date of this Agreement until the date of amalgamation or the determination of this Agreement the Hailsham undertaking shall be carried on by the Hailsham Company in the ordinary course of business but the Hailsham Company shall not without the consent of the directors of the Eastbourne Company—

(a) enter into any contract or incur any liability other than in respect of legal and accountancy charges incidental to the carrying into effect of this Agreement and other than in the ordinary course of carrying on the Hailsham undertaking or make any unnecessary or exceptional expenditure ;

- (b) borrow on mortgage or debenture or charge or dispose of any of the assets of the Hailsham Company or issue any capital or any debenture stock ;
- (c) alter the water rates rents or charges or the rental of meters and other appliances ;
- (d) increase the remuneration or emoluments of the directors auditors officials or employees of the Hailsham Company beyond their usual remuneration and emoluments at the rate operative at the date of this Agreement ; or
- (e) grant any pensions or retiring gratuities.

11. From and after the date of this Agreement the Hailsham Company shall in their general policy and in regard to the management and carrying on of the Hailsham undertaking act in consultation with the directors of the Eastbourne Company.

12. As from the date of this Agreement the Eastbourne Company and any officer thereof or engineer or accountant nominated by the Eastbourne Company for the purpose shall have access at all reasonable times to the works offices books accounts records maps and documents of the Hailsham Company and the Hailsham Company shall give to them or him such information and assistance from time to time as may be reasonably required.

13. The Eastbourne Company shall on the date of amalgamation pay to the Hailsham Company as compensation to the directors of the Hailsham Company for loss of office the sum of three hundred pounds.

14. The Eastbourne Company shall as soon as reasonably practicable after the date of this Agreement take the proper steps to apply for and shall use their best endeavours to obtain an Order or Orders of the Minister of Health under the Water Act 1945 containing such powers and provisions as may be necessary—

- (1) to carry this Agreement into effect ;
- (2) to extend the limits for the supply of water by the Eastbourne Company so as to include the whole of the limits within which the Hailsham Company are at the date of this Agreement authorised to supply water (hereinafter referred to as “ the added limits ”) ;
- (3) to continue within the added limits or any part thereof the existing powers under the Hailsham Water Act and Orders 1885 to 1939 of making and recovering water rates and other charges and to authorise the Eastbourne Company to exercise those powers within the added limits ;
- (4) to provide for the winding up and dissolution of the Hailsham Company.

15. The Eastbourne Company shall be at liberty to include in the draft or drafts of the intended Order or Orders all such provisions as they may deem necessary or expedient for purposes other than those connected with the said amalgamation.

16. The Hailsham Company shall at the request and at the cost of the Eastbourne Company aid and assist the Eastbourne Company in applying for the intended Order or Orders and so far as the Eastbourne Company may reasonably require shall by their officers and servants support such application by evidence or as the circumstances may require.

17. The Eastbourne Company shall at all times furnish to the Hailsham Company full information and particulars concerning the progress of the application for the intended Order or Orders.

18.—(1) This Agreement is subject to such alterations as the Minister of Health or Parliament may think fit to make therein and to the intended Order or Orders being made and coming into effect.

(2) This Agreement is also conditional on the approval of the proprietors of the Eastbourne Company and the Hailsham Company respectively in general meeting being obtained which approval the directors of the Eastbourne Company and the Hailsham Company respectively shall use their best endeavours to obtain.

19. If this Agreement is not approved by the proprietors of the Eastbourne Company and the proprietors of the Hailsham Company within three months after the date of this Agreement or within such extended period as may be agreed upon between the directors of the Eastbourne Company and the directors of the Hailsham Company this Agreement shall become void and of no effect.

20. If the Minister of Health or Parliament seeks or seek to make any material alteration in the terms of this Agreement or in the draft or drafts of the intended Order or Orders affecting the subject matter of this Agreement and such alteration is not agreed to by the directors of the Eastbourne Company and the directors of the Hailsham Company then either of the parties hereto may by notice in writing to the other (to be sent by registered post addressed to the Secretary of such other company) withdraw from this Agreement and thereupon this Agreement shall become void and of no effect.

21. Any difference arising under this Agreement shall be referred to and determined by an arbitrator to be agreed upon between the parties hereto or failing such agreement to be appointed on the application of either party by the President for the time being of the Society of Parliamentary Agents and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory modification or amendment thereof for the time being in force shall apply to such reference.

In Witness whereof the Companies parties hereto have respectively caused their common seals to be hereunto affixed the day and year hereinbefore first written

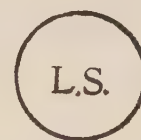
The Common Seal of the Eastbourne Water-works Company was hereto affixed in the presence of }

DEVONSHIRE, *Director*.
CHARLES ALLIX, *Director*.
A. VERNON OWEN, *Secretary*.



The Common Seal of the Hailsham Water Company was hereto affixed in the presence of }

HARRY WHITE, *Chairman*.
HUBERT J. WHITE, *Director*.
MAURICE THORNTON, *Acting Secretary*.



SECOND SCHEDULE

DESCRIPTION OF ADDED LIMITS

In the rural district of Hailsham and administrative county of East Sussex :—

The parishes of Chalvington and Ripe, and so much of the parishes of Arlington, Chiddingly, Hailsham, Hellingly, Herstmonceux and Polegate as is coloured blue on the map signed in duplicate by Percy Althonso Harry Blagrove on behalf of the Company and by Harry White on behalf of the Hailsham Company, one copy of which has been deposited at the offices of the Ministry of Health and the other at the offices of the Company at 28 Seaside Road, Eastbourne, Sussex.

THIRD SCHEDULE

PROVISIONS OF HAILSHAM WATER ACT AND ORDERS, 1885 TO 1939, SAVED FROM REPEAL

PART I.—PROVISIONS RELATING TO CHARGES

- 22 & 23 Geo. 5.
c. lxi. The Hailsham Water Order, 1932 (confirmed by the Ministry of Health
Provisional Order Confirmation (Hailsham Water) Act, 1932)—
 section 28 (rates of supply of water for domestic purposes) as amended
 by section 15 of the Hailsham Water Order, 1939 ;
 section 33 (charges for supply by hose-pipe) ;
 section 34 (charges for supplies for refrigerating apparatus &c.) ;
 section 35 (special terms for supplies to caravans &c.) ;
 section 36 (price of supply by meter) ;
 section 37 (water for public purposes).

PART II.—OTHER SAVED PROVISIONS

- 48 & 49 Vict.
c. xcvi. The Hailsham Water Act, 1885—
 section 38 (power to take lands) ;
 section 39 (power to make water works).
- The Hailsham Water Order, 1932—
 section 32 (supply to certain premises) ;
 section 38 (meters &c. to measure water or detect waste) ;
 section 39 (power to lay pipes in private streets) ;
 section 40 (as to streets forming boundary of limits of supply) ;
 section 41 (separate communication pipes may be required) ;
 section 42 (notice to undertakers as to connecting or disconnecting of
 meters) ;
 section 44 (undertakers to connect communication pipes with mains) ;
 section 46 (opening of ground by persons liable to maintain pipes &c.).
- 2 & 3 Geo. 6.
c. xxxvii. The Hailsham Water Order, 1939 (confirmed by the Ministry of Health
Provisional Order Confirmation (Hailsham Water) Act, 1939)—
 section 16 (confirming construction of existing water works and acqui-
 sition of lands) ;
 section 18 (extension of powers to construct and maintain water works) ;
 section 19 (for protection of Postmaster General) ;
 section 21 (supply of water for farming purposes) ;
 section 24 (for protection of Hellingly well of East Sussex County
 Council) ;
 section 25 (for protection of East Sussex County Council) ;
 section 26 (for further protection of East Sussex County Council).

FOURTH SCHEDULE

PROVISIONS OF EASTBOURNE WATERWORKS ACTS, 1859 TO 1921, REPEALED

- The Eastbourne Waterworks Act, 1859—
 Section X (power to borrow on mortgage).
- 38 Vict. c. xxx. The Eastbourne Waterworks Act, 1875—
 section 21 (power to borrow on mortgage) ;
 section 22 (as to conversion of borrowed money into capital) ;
 section 23 (priority of principal moneys secured by existing mortgages).
- The Eastbourne Waterworks Act, 1881—
 section 31 (power to borrow on mortgage) ;
 section 33 (priority of principal moneys secured by existing mortgages).

The Eastbourne Waterworks Act, 1889—

52 & 53 Vict.
c. lxxvii.

section 25 (power to borrow in respect of additional capital) ;
section 26 (as to conversion of borrowed money into capital) ;
section 27 (priority of principal moneys secured by existing mortgages).

The Eastbourne Waterworks Act, 1896—

section 34 (power to borrow in respect of additional capital) ;
section 35 (as to conversion of borrowed money into capital) ;
section 36 (priority of principal moneys secured by existing mortgages).

The Eastbourne Waterworks Act, 1897—

60 & 61 Vict.
c. cxxiv.

section 28 (power to borrow in respect of additional capital) ;
section 29 (as to conversion of borrowed money into capital) ;
section 30 (priority of principal moneys secured by existing mortgages).

The Eastbourne Waterworks Act, 1920—

10 & 11 Geo. 5.
c. lxiv.

section 3 (power to borrow) ;
section 5 (as to conversion of borrowed money into capital).

The Eastbourne Waterworks Act, 1921—

section 32 (power to borrow in respect of additional capital) ;
section 33 (power to borrow in respect of authorised capital) ;
section 35 (as to conversion of borrowed money into capital) ;
section 36 (for appointment of receiver).

Given under the official seal of the Minister of Health, this twelfth
day of November, nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND AND WALES

The Tredegar Urban District Council Water (No. 2)
Order, 1948

Made - - - - 17th November, 1948
Coming into Operation 17th November, 1948

1236W.

8 & 9 Geo. 6.
c. 42.

Short and
collective
titles.

Interpreta-
tion.

Power to
construct
works.

Application
of certain
provisions
of Third
Schedule to
Water Act,
1945.

The Minister of Health, in exercise of the powers conferred on him by section 23 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows: —

1. This order may be cited as the Tredegar Urban District Council Water (No. 2) Order, 1948, and shall be included among the enactments which may be cited together as the Tredegar Urban District Council Water Acts and Orders, 1878 to 1948.

2. In this Order, unless the context otherwise requires—
“the Undertakers” means the Tredegar Urban District Council;
“the undertaking” means the water undertaking of the Undertakers as for the time being authorised by any enactment;
“enactment” has the same meaning as in the Water Act, 1945.

3.—(1) The Undertakers may, when they shall have acquired the necessary lands, make and maintain a service reservoir in part of the enclosure numbered 153 on the 1/2500 ordnance map of the parish of Dukestown in the County of Monmouth (edition of 1920, Monmouthshire sheet XI-5).

(2) The said service reservoir shall for all purposes be deemed to form part of the undertaking.

4. For the purposes of this order the provisions of the Third Schedule to the Water Act, 1945, which are set out in the first column of the schedule to this order shall, subject to the modifications set out in the second column thereof, apply to the undertaking.

SCHEDULE

PROVISIONS OF THE THIRD SCHEDULE TO THE WATER ACT, 1945, APPLIED

Provisions applied	Modifications
Section 4 (general power to construct subsidiary works).	For the words from the beginning of the section to the words “abstract water” there shall be substituted the words “Subject to the provisions of section 29 of the Tredegar Urban District Council Act, 1920”; and for the words “their water undertaking” there shall be substituted the words “the authorised works”.

Provisions applied	Modifications
Section 5 (power of undertakers to lay or erect telephone wires, etc.).	—
Section 6 (penalty for obstructing construction of works).	—
Part IV (minerals underlying waterworks).	In Section 12, for the words " after this section is incorporated with their enactments " there shall be substituted the words " under the special Act " ; for the words " all existing pipes or other conduits for the collection, passage or distribution of water and underground works belonging to them " there shall be substituted the words " all such pipes or other conduits or underground works " ; and the words " for the time being belonging to them " shall be omitted.
Part V (power to lay mains, etc.) except section 21.	—
Part VI (breaking open streets, etc.).	—
Section 92 (liability of undertakers to pay compensation).	—
Section 94 (copies of special Act to be kept by undertakers in their office and deposited with certain officers).	—

Given under the official seal of the Minister of Health this seventeenth day of November, nineteen hundred and forty-eight.

(L.S.)

Geoffrey Crawshay,
Chairman,
Welsh Board of Health.

WATER, ENGLAND

The Crawley and Three Bridges Water Order, 1948

Made - - - - 20th November, 1948
Coming into Operation 20th November, 1948

M.H.108523.

8 & 9 Geo. 6. c. 42. The Minister of Health, in exercise of the powers conferred on him by section 23 of the Water Act, 1945, hereby orders as follows:—

Short title. 1. This Order may be cited as the Crawley and Three Bridges Water Order, 1948.

Interpretation. 2.—(1) In this order unless the context otherwise requires—
“the Corporation” means the Crawley Development Corporation;
“the undertaking” means the water undertaking for the time being of the Corporation;

11 & 12 Geo. 6. c. 22. “the third Schedule” means the Third Schedule to the Water Act, 1945, as amended by the Water Act, 1948.

Application of provisions of Third Schedule. 3. The provisions of the Third Schedule, except sections 2, 6, 7 and 9 (which relate respectively to limits of deviation in the construction of authorised works, penalties for obstructing the construction of such works, the acquisition of easements for underground works and the extinction of private rights of way), Part III (which relates to compensation water) and Part XV (which contains financial provisions applicable to companies), shall apply to the undertaking and are hereby incorporated with this order.

Power to supply water. 4. Subject to the provisions of this order, the Corporation are hereby authorised to supply water within the area, situated in the rural district of Dorking and Horley in the county of Surrey, the rural district of Horsham in the county of West Sussex and the rural district of Cuckfield in the county of East Sussex, designated by the Crawley New Town (Designation) Order, 1947.

Water charges. 5. For the purposes of Part XII of the Third Schedule—
(a) the rate-poundage for a supply of water for domestic purposes shall be two shillings and sixpence in the pound;
(b) the minimum charge for such a supply as aforesaid shall be twenty-seven shillings and sixpence per annum;
(c) the additional sum chargeable under subsection (1) of section 48 of the said Schedule shall be twenty shillings;
(d) the maximum charge for a supply of water by meter shall be three shillings per thousand gallons;
(e) the prescribed proportion for the purposes of paragraph (b) of subsection (1) of section 46 of the said Schedule shall be two-thirds.

Given under the official seal of the Minister of Health this twentieth day of November, nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The West Hampshire Water Order, 1948

Made - - - - 22nd November, 1948

Coming into Operation 22nd November, 1948

M.H. 108628.

The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the West Hampshire Water Order, 1948.

Short and
collective
titles.

(2) The West Hampshire Water Acts and Order, 1893 to 1935, and this order may be cited together as the West Hampshire Water Acts and Orders, 1893 to 1948.

2. The West Hampshire Water Company (Modification of Charges) Order, 1922(a), is hereby repealed.

Repeal of
local
enactment.

Given under the official seal of the Minister of Health this twenty-second day of November, nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under-Secretary,
Ministry of Health.

(a) S.R. & O. 1922 No. 1406.

1948 No. 2567

WATER, ENGLAND

The Essex Area (Conservation of Water) Order, 1948

Made - - - - - 15th July, 1948

Coming into Operation 27th October, 1948

107469

The Minister of Health, in exercise of the powers conferred on him by section 14 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the Essex Area (Conservation of Water) Order, 1948.

2. The area specified in the schedule to this order is hereby defined as an area to which the provisions of section 14 of the Water Act, 1945, are to apply.

SCHEDULE

Description of Area

So much of the county of Essex as is not included in the areas respectively defined by the Lee Valley (Conservation of Water) Order, 1946(b), and the South West Essex Area (Conservation of Water) Order, 1946(c).

The county borough of Southend-on-Sea.

Given under the official seal of the Minister of Health this fifteenth day of July, nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

(a) 8 & 9 Geo. 6. c. 42.

(b) S.R. & O. 1946 No. 2005.

(c) S.R. & O. 1946 No. 2006.

1948 No. 2596

WATER, ENGLAND

The Kent Area (Conservation of Water) Order, 1948

Made - - - - - 9th September, 1948

Coming into Operation 24th November, 1948

MH.107601.

The Minister of Health, in exercise of the powers conferred on him by section 14 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the Kent Area (Conservation of Water) Order, 1948.

2. The area consisting of the districts and parts of districts specified in the schedule to this order is hereby defined as an area to which the provisions of section 14 of the Water Act, 1945, apply.

SCHEDULE

District and parts of districts comprised in the Area

The county borough of Canterbury.

In the county of Kent—

the boroughs of Chatham, Deal, Dover, Faversham, Folkestone, Gillingham, Hythe, Maidstone, Margate, Queenborough, Ramsgate, Rochester and Sandwich, and so much of the borough of Gravesend as is not included in the area defined by the Metropolitan South-Eastern Area (Conservation of Water) Order, 1947(b) ;

the urban districts of Ashford, Broadstairs and Saint Peter's, Herne Bay, Sheerness, Sittingbourne and Milton, and Whitstable, and so much of the urban district of Northfleet as is not included in the area defined by the Metropolitan South-Eastern Area (Conservation of Water) Order, 1947(b) ;

the rural districts of Bridge-Blean, Dover, Eastry, Elham, Sheppey, and Swale, and so much of the rural districts of Malling and Strood as is not included in the area defined by the Metropolitan South-Eastern Area (Conservation of Water) Order, 1947(b) ;

in the rural district of East Ashford, the parishes of Aldington, Boughton Aluph, Brabourne, Brook, Challock, Chilham, Crundale, Eastwell, Godmersham, Hastingleigh, Hinxhill, Mersham, Moldash, Sevington, Smeeth and Wye ;

the rural district of Hollingbourn, except the parish of Headcorn ;

the rural district of Maidstone, except the parishes of Marden and Staplehurst ;

in the rural district of Tonbridge, the parish of Hadlow ;

the rural district of West Ashford, except the parishes of Shadoxhurst and Smarden.

Given under the official seal of the Minister of Health this ninth day of September nineteen hundred and forty-eight.

(L.S.)

H. Symon,
Under Secretary,
Ministry of Health.

(a) 8 & 9 Geo. 6. c. 42.

(b) S.R. & O. 1947 No. 2674.

WATER, ENGLAND

The Great Berkhamstead Water Order, 1948

Made - - - - 8th December, 1948

Coming into Operation 8th December, 1948

M.H. 108603.

8 & 9 Geo. 5. c. 42. The Minister of Health, in exercise of the powers conferred on him by sections 9 and 23 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation. 1.—(1) This order may be cited as the Great Berkhamstead Water Order, 1948.

(2) The Great Berkhamstead Water Act and Orders, 1885 to 1931, and this order may be cited together as the Great Berkhamstead Water Act and Orders, 1885 to 1948.

Incorporation of Companies Clauses Acts. 8 & 9 Vict. c. 17. 26 & 27 Vict. c. 118. 2.—(1) The Companies Clauses Consolidation Act, 1845, except section 17 (which relates to the closing of transfer books) sections 56 to 60 (which relate to the conversion of borrowed money into capital) and sections 161 and 162 (which relate to access to the special Act of interested parties), and Part III of the Companies Clauses Act, 1863 (which relates to debenture stock) as amended by subsequent Acts are, so far as they are applicable for the purposes and subject to the provisions of this order, hereby incorporated with and form part of this order.

(2) For the purposes of such incorporation the expression “special Act” where used in the said Acts shall be construed to mean this order.

(3) Part III of the Companies Clauses Act, 1863, as incorporated with this order shall have effect as if the words “and to the same amount as” in section 22 (which contains regulations as to the creation and issue of debenture stock) were omitted.

Interpretation. 3. In this order, unless the context otherwise requires,—
“the commencement of this order” means the date on which this order comes into force;

“the Company” means the Great Berkhamstead Waterworks Company;

“the Ashridge Company” means the Ashridge Water Company Limited;

“the scheduled agreement” means the agreement set out in the schedule to this order;

“the date of transfer” means the twenty-eighth day after the commencement of this order;

“the Ashridge undertaking” means the undertaking described in clause 1 of the scheduled agreement;

“the undertaking” means the undertaking of the Company as for the time being authorised;

“ the existing limits ” means the limits within which the Company are authorised to supply water as defined by section 5 of the Great Berkhamstead Water Order, 1931 ;

“ the added limits ” means the area consisting of so much of the parishes of Nettleden with Potten End and Little Gaddesden in the rural district of Berkhamsted in the county of Hertford as prior to the commencement of this order was not within the existing limits ;

“ the limits of supply ” means the limits within which the Company are for the time being authorised to supply water.

4. Subject to the provisions of this order, on the date of transfer the Ashridge undertaking shall, by virtue of this order, be transferred to and vest in the Company upon the terms of the scheduled agreement and become part of the undertaking.

Transfer of
Ashridge
undertaking.

5.—(1) The receipt in writing of two directors of the Ashridge Company for any sum of money paid as the consideration for the transfer of the Ashridge undertaking shall effectually discharge the Company from the sum which in the receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss, misapplication or non-application thereof.

Receipt for
considera-
tion.

(2) If from any cause the Company are unable to obtain the receipt in writing of two directors of the Ashridge Company for any such sum of money, they may lodge the money in the Supreme Court in accordance with rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act, 1925, and a certificate given in accordance with the rules stating that the money has been so lodged shall have the same effect as the receipt of two directors of the Ashridge Company.

6. The Ashridge Company shall bear and pay all debts and liabilities of the Ashridge undertaking outstanding at the date of transfer, and shall be entitled to collect all book debts due to that undertaking then outstanding.

Ashridge
Company
to pay
out-goings.

7. On and after the date of transfer the limits of supply shall extend to and include the added limits in addition to the existing limits, and the provisions of the Great Berkhamstead Water Act and Orders, 1885 to 1931, shall, with any necessary modifications and subject to the provisions of this order, apply and have effect within the added limits, and subject as aforesaid the Company shall have and may exercise within the added limits the like powers, rights, privileges and authorities, and shall be subject to the like duties and obligations, as they now have and are subject to within the existing limits.

Extension of
limits of
supply.

8.—(1) On and after the date of transfer the Company may, subject to the provisions of this Order, maintain and continue, and may alter, enlarge, renew and improve, the existing waterworks hereinafter described in, upon or under the lands in upon or under which they are now situate, so long as they are possessed of the said lands or any necessary rights or easements therein.

Power to
maintain
existing
waterworks.

The existing waterworks hereinbefore referred to are—

Work No. 1. A well and pumping station situate in the parish of Little Gaddesden in the rural district of Berkhamsted in the county of Hertford in the enclosure numbered 148 in that

parish on the 1/2500 ordnance map Hertford sheet No. XXVI.9 (edition of 1924), and pumps, engines, works, appliances and conveniences used in connection therewith or subsidiary thereto ;

Work No. 2. A service reservoir and access road situate in the parish of Ivinghoe in the rural district of Wing in the county of Buckingham in the enclosures numbered 38 and 18 in that parish on the 1/2500 ordnance map Buckinghamshire sheet No. XXX.10 (edition of 1925).

(2) On and after the date of transfer the Company may continue, maintain and use any water mains, pipes and other works vested in them by virtue of this order as if they had been laid down or constructed under the Great Berkhamstead Water Act and Orders, 1885 to 1931.

Additional
loan capital.

9. Notwithstanding anything in the Great Berkhamstead Water Act and Orders, 1885 to 1931, or the Acts incorporated with this order, the Company may—

- (1) at any time after the commencement of this order, and without obtaining the certificate of a justice under section 40 of the Companies Clauses Consolidation Act, 1845, borrow on mortgage of the undertaking in respect of the capital issued by them on or before the thirty-first day of December, 1947, in the shape of shares or stock any sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock before the commencement of this order and outstanding on the date of any exercise by the Company of the foregoing power of borrowing) forty-three thousand and six pounds ;
- (2) borrow on mortgage of the undertaking in respect of any capital issued by them after the thirty-first day of December, 1947, in the shape of shares or stock any sums not exceeding in the whole three-fourths of the further capital (including premiums and allowing for discounts) so issued :

Provided that no sum shall be borrowed in respect of capital issued after the last-mentioned date until the Company have proved to a justice, before he gives his certificate under section 40 of the Companies Clauses Consolidation Act, 1845, that the whole of the amounts payable in respect of the capital at the time issued, together with the premiums (if any) realised on the sale thereof, has been fully paid up.

Application
of existing
enactments.

10. The undermentioned sections of the Great Berkhamstead Water Order, 1931, shall (subject to the provisions of this order) so far as applicable extend and apply to any debenture stock (redeemable or irredeemable) or mortgages created, issued or granted under the powers of this order and any moneys raised thereby as though those sections with any necessary modifications were re-enacted in this order:—

Section 9 (limit of interest on moneys borrowed) ;

Section 10 (debenture stock) ;

Section 11 (priority of principal moneys secured by existing mortgages) ;

Section 12 (priority of moneys raised under this order on mortgage or by debenture stock over other claims) ;

Section 13 (appointment of receiver) ;

Section 14 (redeemable preference stock and debenture stock) ;

Section 16 (application of money).

11. Section 94 of the Third Schedule to the Water Act, 1945 (which requires copies of the special Act to be kept by undertakers in their office and deposited with certain officers) shall apply to the undertaking. Keeping and deposit of copies of order.

12. All costs, charges and expenses of and incidental to the application for this order and the preparation and making of this order shall be paid by the Company and may in whole or in part be defrayed out of revenue. Costs of order.

SCHEDULE

An agreement made the twenty-sixth day of June one thousand nine hundred and forty-seven between Ashridge Water Company Limited having its registered office at 16 Little Gaddesden in the County of Hertford (hereinafter called "the Vendor") of the one part and Great Berkhamstead Water Works Company having its principal office at 166 High Street, Berkhamsted in the said county (hereinafter called "the Purchaser") of the other part. Stamp 10/-.

Whereas the Vendor has since its Incorporation on the eleventh June one thousand nine hundred and twenty-nine carried on the Water Works undertaking previously known as the Ashridge Estate Water Works System in the Parish of Little Gaddesden in the said county of Hertford and in the parish of Ivinghoe in the county of Buckingham and has agreed to sell such undertaking and certain stocks and stores used in connection therewith to the Purchaser for the sum of six thousand seven hundred and fifty pounds upon and subject to the terms and conditions hereinafter contained :

Now it is hereby agreed as follows :—

1. The Vendor shall sell and the Purchaser shall purchase free from all encumbrances all that the said undertaking of the Vendor including the freehold lands shortly described in the First Schedule hereto and delineated on Plan No. 1 annexed hereto and thereon coloured pink and on Plan No. 2 annexed hereto and thereon coloured pink and green and on the Plan No. 3 annexed hereto and thereon coloured green and pink and hatched with green and all buildings used in connection therewith and the Reservoir and all works mains plant machinery (except as hereinafter mentioned) and fixtures and fittings as now installed therein and thereon and together also with the stocks and stores used in connection therewith together also with all underground and other water mains and pipes used in connection with the said undertaking the approximate lines and position of which are shown on Plan No. 5 annexed hereto and thereon coloured violet, red, brown, green and black together also with the benefit and advantage of the contracts and agreements rights and easements particulars of which are set out in the First and Second Parts of the Second Schedule hereto as varied by a Conveyance dated the ninth day of February one thousand nine hundred and forty-six.

2. There shall be excluded from the sale hereby made the 10-12 H.p. Lister Diesel Engine No. CS35212 installed on some part of the said lands which the Vendor shall be entitled to remove before completion hereunder doing as little damage as may be and making good any damage unavoidably incurred in so doing to the reasonable satisfaction of the Purchaser.

3. In arriving at the said purchase consideration the value of the said stocks and stores have been taken at the sum of one hundred pounds. Any stocks or stores in excess of that value shall also be taken over and purchased by the Purchaser at a valuation to be agreed between the parties or failing agreement made by a Valuer nominated by the President for the time being of the Chartered Surveyors Institute unless the Purchaser shall on or before completion elect not so to take over the excess stocks and stores in which event the Vendor shall be entitled to retain and remove the same.

4. The Purchaser shall as from the date of completion take into its service the Engineer of the Vendor for a minimum period of one year terminable at any time (unless the Purchaser and the said Engineer otherwise agree) by twelve months notice on either side on terms as to salary and conditions of employment not less favourable to him than those affecting his services with the Vendor as at the eleventh day of October one thousand nine hundred and forty-six.

5. The Vendor shall pay and discharge all outgoings charges and liabilities in respect of the said undertaking incurred down to the date of completion and shall indemnify the Purchaser accordingly. The Purchaser shall be liable for any outgoings charges or continuing liabilities arising after the date of completion and shall indemnify the Vendor from and against all claims and demands in respect thereof.

6. The Vendor shall transfer to the Purchaser all books of account records and other documents relating to or in connection with the said undertaking but shall be entitled to access thereto for the purpose of inspection and taking copies thereof at all reasonable times.

7. The said land is sold subject to the Law Society's Conditions of Sale (1934 Edition) so far as they are not varied by or inconsistent with this Agreement.

8. The title (to the said lands) shall commence with a Conveyance on Sale to the Vendor dated the eleventh day of June one thousand nine hundred and twenty-nine and the Purchaser shall not raise any objections or requisitions in regard to any matters recited or referred to in the said Conveyance.

9. The Purchaser shall in the Conveyance to it of the said lands enter into a covenant with the Vendor to observe and perform the stipulations set out in the Third Schedule hereto as varied by the said Conveyance dated the ninth day of February one thousand nine hundred and forty-six.

10. The purchase shall be completed within twenty-eight days after the condition hereinafter mentioned shall have been fulfilled at the office of Messrs. Stephenson Harwood & Tatham the Vendor's Solicitors at 16 Old Broad Street, London, E.C.2, when the Purchaser shall pay the said purchase consideration and the amount of the value of any excess stocks and stores to be taken over by the Purchaser as aforesaid and the Vendor shall at the expense of the Purchaser execute and do all such assignments assurances acts deeds and things for vesting the property hereby agreed to be sold in the Purchaser and giving to it the full benefit of this Agreement as the Purchaser shall reasonably require.

11. This Agreement is conditional upon the approval thereto of the Minister of Health to be signified by the making of any necessary Order or Orders providing for the transfer to the Purchaser of the said undertaking and extending the Purchaser's statutory limits of supply to include the area now supplied by the Vendor and if such condition shall not have been fulfilled on or before the twenty-ninth day of September one thousand nine hundred and forty-seven or within such extended time as the parties hereto may agree upon either party shall be entitled by notice in writing forthwith to determine this Agreement and thereupon the same shall be void.

In Witness whereof the parties hereto have hereunto set their respective Commons Seals the day and year first above written.

THE FIRST SCHEDULE above referred to

All that the Ashridge Estate Water Works including (but not limited to) the Water Works and reservoir situate in the Parishes of Little Gaddesden in the County of Herts and Ivinghoe in the County of Bucks shown upon the said Plan Number 1 and thereon coloured pink and upon the said

Plan Number 2 and thereon coloured pink and green and upon the said Plan Number 3 and thereon coloured green and pink and hatched green and distinguished by the Ordnance Numbers as follows:—

LITTLE GADDESSEN PARISH

Ordnance Survey

Part 148 Water Works .249

IVINGHOE PARISH

Part 38 Reservoir 1.095

Part 18 Access Road

THE SECOND SCHEDULE above referred to

FIRST PART

Meters at 2s. per 1,000 gallons

Miss Kathleen Talbot, Manor House, Little Gaddesden.

Miss Bridget Elizabeth Talbot, Little Gaddesden House.

Mr. Bristow, Gardeners Cottage, Little Gaddesden House.

John C. Murdock, Hudnall Farm.

Ernest George Blain, St. Margarets Farm.

WATER RATES

Payable half-yearly on 25th March and 29th September

	£	s.	d.
Rev. G. M. Hall, Marion Lodge, Little Gaddesden	15	0	0
W. Munden, 37 Little Gaddesden	1	10	0
Joseph Whitman, 40 Little Gaddesden	2	10	0
Mrs. Elizabeth White, Ringshall Laundry	3	10	0
Mrs. Phillips, 45 Little Gaddesden	1	0	6
Mrs. Dorothy Elizabeth Gibbs, Rectory, Little Gaddesden	7	10	0

SECOND PART

1. The underground and other water pipes of the Water System (the approximate lines and positions of the main pipes being so far as possible shown by red lines on the Plan Number 4 annexed hereto) and the exclusive rights to use the same in perpetuity for the free and uninterrupted passage of water through the same.

2. The pipes plant machinery meters lades conduits sheds and apparatus used in connection with the Water System.

3. The right in perpetuity for the Purchasers and their successors in title and for all others by their permission to use the said underground and other pipes electric cables plant machinery lades conduits sheds and apparatus (hereinafter called "the apparatus") for all purposes and to inspect cleanse repair maintain renew and enlarge the same and to enter upon the lands whereon under or across which the apparatus or any part thereof may be for the purpose of inspecting cleansing repairing renewing replacing or enlarging the apparatus or any part thereof doing as little damage as possible and making reasonable compensation to the said Monro Cuthbertson and Thomas Place or their tenants for all damage thereby occasioned.

4. The benefit of all covenants conditions and reservations heretofore and hereafter obtained by the Vendor or his predecessors in title and by the said Thomas Place from Purchasers of any of the lands formerly part of the Ashridge Estate which in any way affect or are appurtenant to the land easements and rights hereby conveyed.

5. Full right for the Purchasers and their successors in title to the Water System to instal a meter or meters on any part or parts of the lands now obtaining water from such system and to make a charge for the water supplied to the respective owner or occupiers of such lands.

6. The right to lay and maintain underground electric cables along the road between the Green and Marian Lodge and other property on the East side of such road (and shown on the said Plan Number 1) and also along the right of way from such road over the estate yard to and from the said Waterworks.

7. The right to maintain and use the cooling reservoir situate on Ordnance Survey Part 149 and shown on the said Plan Number 1 and the pipes leading to and from the same from and to the Water Works hereby conveyed together with a right of way for all purposes in connection with the said Water Works and cooling reservoir from and to the public road over the Estate Yard to and from the said Water Works and cooling reservoir respectively and from and to the said Water Works to and from the said cooling reservoir the said right of way being approximately indicated on the said Plan Number 1 by red dotted lines and having a width of not less than ten feet.

THE THIRD SCHEDULE above referred to

1. That the Purchasers will provided a sufficient quantity of water is available supply good and unpolluted water to all existing points as heretofore and to any other points which the said Arthur MacDonald and Munro Cuthbertson or their successors in title owner or owners for the time being of any of the property comprised in the Conveyances to the said Arthur MacDonald and Monro Cuthbertson mentioned in Clause 5 to the above-written deed may elect to take it by mains installed at their own cost and to which points the water will flow either by gravitation or by any pumping apparatus or syphon installed by the said Arthur MacDonald or Monro Cuthbertson but so that the Purchasers and their assigns shall not be liable in damages for any unavoidable failure or omission to maintain such supply.

2. That the charge for the water supplied by the Purchasers to the said Arthur MacDonald and Monro Cuthbertson their nominees or tenants shall be based on the same scale as all other properties supplied or to be supplied by the Purchasers and every endeavour will be made by the Purchasers to keep the cost of the water as low as possible and such charges shall not in any case exceed the charges of the Chiltern Hills Spring Water Company.

3. That the Purchasers will bear their fair share according to user of the cost of the repair of the private roadway to the pumping station.

4. That the Purchasers will forthwith erect to the reasonable satisfaction of the said Arthur MacDonald a good and substantial post and wire fence (with five strands of wire) sufficient to keep out horses sheep and cattle along the Western boundary of the land coloured green on the said Plan Number 2 with all necessary gates and stiles such fence to belong to the said Arthur MacDonald.

5. That the Purchasers will allow the said Arthur MacDonald and his successors in title owner or owners of the property comprised in the Conveyance to him mentioned in Clause 5 to the above-written deed to

cart water as heretofore from the reservoir mentioned in the First Part of the First Schedule to the above-written deed for use in connection with the said property.

The Seal of The Great Berkhamstead Waterworks
Company was hereunto affixed in the presence of:—



(Sgd.) M. G. CHENNELS
(Chairman).

(Sgd.) F. L. TOMPKINS
(Secretary).

The Common Seal of Ashridge Water Company
Limited was hereunto affixed in the presence of:—



(Sgd.) T. PLACE, Director.

(Sgd.) GORDON SAUNDERS, Director.

Given under the official seal of the Minister of Health this eighth
day of December, nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under-Secretary,
Ministry of Health.

WATER, ENGLAND

The Bucks Water Order, 1948

Made - - - - 20th December, 1948

Coming into Operation 20th December, 1948

M.H.108641.

8 & 9 Geo. 6. 6. The Minister of Health, in exercise of the powers conferred upon him
c. 42. by section 32 of the Water Act, 1945, and of all other powers enabling
him in that behalf, hereby orders as follows:—

Short and
collective
titles.

1.—(1) This order may be cited as the Bucks Water Order, 1948.

(2) The Bucks Water Act and Orders, 1937 to 1947, and this order
may be cited together as the Bucks Water Acts and Orders, 1937 to
1948.

Interpreta-
tion.

2. In this order the expression “the Board” means the Bucks Water
Board.

Application
of certain
provisions
of the Third
Schedule to
the Water
Act, 1945.

3. The provisions of section 37 of the Third Schedule to the Water
Act, 1945, (which relates to the supply of water for public purposes),
so much of section 38 of that Schedule (which relates to penalties) as
relates to the obligations of undertakers under the said section 37, and
the provisions of section 59 of that Schedule (which provides, where
water is supplied by meter, as to the determination of the quantity of
water consumed) shall apply to the undertaking of the Board.

Repeal.
33 & 34 Vict.
c. xxv.
9 & 10
Geo. 6. c. xx.
10 & 11 Vict.
c. 17.

4.—(1) Section 40 of the Chiltern Hills Spring Water Act, 1870,
(which relates to the supply of water for certain public purposes, and
to the obligations of which the Board are subject by virtue of section 17
of the Bucks Water Board Act, 1946) is hereby repealed.

(2) Section 37 of the Waterworks Clauses Act, 1847, (which relates
to the supply of water for public purposes) shall cease to apply to the
undertaking of the Board.

Given under the official seal of the Minister of Health this twentieth
day of December nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Mid-Wessex Water Order, 1948

Made - - - - 23rd December, 1948

Coming into Operation 23rd December, 1948

M.H.108624.

The Minister of Health, in exercise of the powers conferred on him by sections 9, 10, 23 and 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:— 8 & 9 Geo. 6. c. 42.

1.—(1) This order may be cited as the Mid-Wessex Water Order, 1948. Citation.

(2) The Mid-Wessex Water Acts and Orders, 1893 to 1942, and this order may be cited together as the Mid-Wessex Water Acts and Orders, 1893 to 1948.

2. In this order unless the context otherwise requires—

“the Mid-Wessex Company” means the Mid-Wessex Water Company ;

“the Herriard Company” means the Herriard and Lasham Water Company Limited ;

“the liquidator” means the liquidator of the Herriard Company ;

“the scheduled agreement” means the agreement set out in the first schedule to this order ;

“the day of transfer” means the first day of January or the first day of July, whichever of those days first occurs after—

(a) the date of the coming into operation of this order ; or

(b) the date on which sanction is given to the liquidator in respect of the scheduled agreement in accordance with section 287 or section 298 of the Companies Act, 1948,

whichever of those dates is the later ;

“the Herriard undertaking” means the undertaking of the Herriard Company as defined in clause 1 of the scheduled agreement ;

“the order of 1934” means the Herriard and District Water Order, 1934, confirmed by the Ministry of Health Provisional Order Confirmation (Herriard and District Water) Act, 1934 ;

“the undertaking” means the undertaking of the Mid-Wessex Company as from time to time authorised ;

“the added limits” means the areas described in the second schedule to this order ;

“the limits of supply” means the limits within which the Mid-Wessex Company are for the time being authorised to supply water ;

“the existing limits” means the limits within which the Mid-Wessex Company are authorised to supply water under the Mid-Wessex Water Acts and Orders, 1893 to 1942 ;

“the Herriards limits” means the areas described in part I of the second schedule to this order.

Interpretation.

11 & 12
Geo. 6. c. 38.

24 & 25
Geo. 5.
c. lxxviii.

Transfer of
Herriard
undertaking.

3. Subject to the provisions of this order, on the day of transfer the Herriard undertaking shall, by virtue of this order, be transferred to and vest in the Mid-Wessex Company upon and subject to the terms of the scheduled agreement.

Creation of
shares to
give effect to
scheduled
agreement.

4.—(1) As on the day of transfer there shall be created by virtue of this section, and without any other requisite, one thousand and seventy-five redeemable preference shares of ten pounds each of the Mid-Wessex Company.

(2) The preference shares created by virtue of this section shall as from the day of transfer be entitled to a preferential dividend at the rate of four and a half per centum per annum, and shall be redeemable in accordance with the provisions of subsection (3) of section 41 of the Water Act, 1945, on the first day of July, nineteen hundred and fifty-seven.

(3) Subject as aforesaid, the said preference shares shall rank *pari passu* with the four and a half per centum preference shares of the Mid-Wessex Company existing at the date of this order, and the holders of the preference shares created by virtue of this section, in proportion to the nominal amount of their holding, shall after the day of transfer be subject and entitled to the same powers, provisions, liabilities, rights, privileges and incidents as the holders of the said existing preference shares.

Evidence
of transfer.

5. The production of a King's printer copy of this order duly stamped, together with a receipt for the consideration for the purchase of the Herriard undertaking purporting to be signed by two directors of the Herriard Company or the liquidator, shall (unless it be proved that the consideration has not been paid) be conclusive evidence in all courts and proceedings of the transfer and vesting in the Mid-Wessex Company of the Herriard undertaking.

As to
lodgment of
purchase
money &c.
into court.

15 & 16
Geo. 5. c. 49.

6. If from any cause the Mid-Wessex Company are unable to obtain the receipt in writing of two directors of the Herriard Company or the liquidator for any money or redeemable preference shares to be paid or delivered to the Herriard Company (or any other person with the consent of the Herriard Company) under this order, they may lodge the money or redeemable preference shares in the Supreme Court in accordance with rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act, 1925, and a certificate given in accordance with those rules stating that such money or shares has been so lodged shall have the same effect as the receipt of two directors of the Herriard Company or of the liquidator.

Saving of
pending
actions.

7. Any action, arbitration or proceeding and any cause of action, arbitration or proceeding which shall at the day of transfer be pending or existing by or against or in favour of the Herriard Company shall not abate or be discontinued or be in anywise prejudicially affected by reason of the transfer to the Mid-Wessex Company of the Herriard undertaking or of anything in this order, but may be continued, prosecuted and enforced by, against or in favour of the Mid-Wessex Company as and when it might have been continued, prosecuted and enforced by, against or in favour of the Herriard Company if this order had not been made, but not further or otherwise.

Saving of
contracts.

8. Except as by this order or the scheduled agreement otherwise provided, all contracts, agreements, conveyances, deeds, leases, licences and other instruments affecting the Herriard Company and in force

at the day of transfer (other than the scheduled agreement) shall as from that day be as binding and of as full force and effect against or in favour of the Mid-Wessex Company, and may be enforced against or in favour of the Mid-Wessex Company, as fully and effectually as if instead of the Herriard Company the Mid-Wessex Company had been a party thereto or bound thereby or entitled to the benefit thereof.

9. All rents, rates and charges and other sums and debts at the day of transfer due and payable or accruing due and payable to the Herriard Company shall be payable to, and may be collected, recovered and enforced by, the Mid-Wessex Company in the same manner and with and by the same benefits and processes as those with and by which the Herriard Company might have collected, recovered and enforced the same, and shall belong to the Mid-Wessex Company for their own benefit.

Collection of outstanding debts.

10. All books and documents which, if this order had not been made, would have been evidence in respect of any matter for or against the Herriard Company in relation to the Herriard undertaking shall on and after the day of transfer be admitted in evidence in respect of the same or the like matter for or against the Mid-Wessex Company.

Books &c. to remain evidence.

11. All officers and persons who on the day of transfer have in their possession or under their control any books, documents, papers, moneys, or effects forming part of the Herriard undertaking, or to which the Herriard Company would but for the transfer of the Herriard undertaking to the Mid-Wessex Company have been entitled, shall be liable to account for and to deliver them up to the Mid-Wessex Company, or to such persons as the Mid-Wessex Company may appoint to receive them, and subject to the same consequences on refusal or neglect as if they had been appointed by, and become possessed thereof for the Mid-Wessex Company:

Officers of Herriard Company accountable for books.

Provided that any books, documents and papers which relate exclusively to the shareholders in and the constitution of the Herriard Company or may otherwise be necessary for the purpose of winding up the Herriard Company may be retained by the liquidator so long as may be necessary for that purpose, and shall be delivered to the Mid-Wessex Company not later than the completion of the winding up of the Herriard Company.

12.—(1) The Mid-Wessex Company shall deliver to the Registrar of Companies a printed copy of this Order, and he shall retain and register the copy, and if such copy is not so delivered within three months from the date of the making of this Order the Mid-Wessex Company and any director or manager of the Mid-Wessex Company who knowingly and wilfully authorises the default, shall be liable on summary conviction to a fine not exceeding two pounds for every day after the expiration of those three months during which the default continues.

Registration of copy of order.

(2) There shall be paid to the Registrar by the Mid-Wessex Company on the copy being registered the like fee as is for the time being payable under the Companies Act, 1948, on registration of any document other than a memorandum of association or the abstract required to be delivered to the registrar by a receiver or manager, the statement required to be sent to the registrar by the liquidator in a winding-up in England or a document required to be delivered under section 416 of that Act.

Compensation to officers.

Partial repeal of order of 1934.

Continuance of works constructed by Herriard Company.

As to mains &c. transferred to the Mid-Wessex Company under the order.

Extension of limits of supply.

13. Any compensation payable under section 44 of the Water Act, 1945, in consequence of this order or anything done in pursuance of this order shall be payable by the Mid-Wessex Company.

14.—(1) The order of 1934, except the provisions thereof which are set forth in the third schedule to this order, shall as from the day of transfer be repealed:

Provided that such of the provisions of the order of 1934 as are required for the purposes of winding up the Herriard Company shall not be repealed until the completion of the winding up.

(2) The provisions of the order of 1934 which are set forth in the said schedule shall as from the day of transfer apply to the Mid-Wessex Company and for that purpose shall be construed and have effect as if in those provisions the expression "the undertakers" meant the Mid-Wessex Company:

Provided that the provisions of sections 31 and 32 of the order of 1934 shall only apply to the exercise by the Mid-Wessex Company of their powers under this order within the Herriard limits.

15.—(1) The Mid-Wessex Company may continue and maintain as part of the well and pumping station, Work No. 1 authorised by the order of 1934, the access shaft constructed by the Herriard Company in the parish of Lasham in the rural district of Alton in the county of Southampton in the enclosure numbered in the said parish 157 on the 1/2500 ordnance map (edition of 1910) Hampshire sheet No. XXXV.2 and the adits constructed as aforesaid in the said parish of Lasham and the parishes of Shalden and Bentworth in the said rural district in the enclosures numbered respectively in the said parish of Shalden 76, in the said parish of Lasham 157 and 160 and in the said parish of Bentworth 175 and 181a on the said ordnance map, together with all incidental and ancillary pipes, filters, works and apparatus.

(2) The works which by subsection (1) of this section the Mid-Wessex Company are authorised to continue and maintain shall for all purposes be deemed to form part of the said well and pumping station, and the Mid-Wessex Company may extend, enlarge, alter and renew the said works in and under the said enclosures and may, subject to the provisions of this order, take all or any of the waters which will or may be taken or intercepted by the said works or any of them for the purposes of the undertaking; and the provisions of the Acts and orders from time to time relating to the Mid-Wessex Company shall so far as applicable apply to the said works or any of them in all respects as if they had been constructed or laid down under the authority of those Acts and orders.

16 Any mains, pipes and other works for the distribution of water already laid down in the added limits and transferred to the Mid-Wessex Company by or under this order shall on and after transfer be deemed for all purposes to form part of the undertaking and to have been laid down and constructed by the Mid-Wessex Company under the Acts and orders from time to time relating to the Mid-Wessex Company.

17.—(1) The limits of supply shall be extended so as to include—

(a) on and after the day of transfer the areas described in part I of the second schedule to this order (being the areas within which the Herriard Company are under the order of 1934 authorised to supply water) and the areas described in part II of the said schedule;

(b) on and after the coming into operation of this order the areas described in part III of the said schedule.

(2) Except as by this order otherwise expressly provided, the provisions of the Mid-Wessex Water Acts and Orders, 1893 to 1942, shall with any necessary modifications, apply and have effect within so much of the added limits as is for the time being within the limits of supply, and accordingly the Mid-Wessex Company within so much of the added limits as aforesaid shall have and may exercise the like powers, rights, privileges and authorities, and shall be subject to all and the like duties and obligations, as they have and are subject to within the existing limits:

Provided that—

(a) in and for the purposes of section 9 of the Frimley and Farnborough District Water Order, 1931 (under which the provision of cisterns may be required in the case of certain dwellinghouses the erection of which commences after the commencement of that order)—

(i) in its application to the Herriard limits, the words “the twenty-fifth day of July nineteen hundred and thirty-four”;

(ii) in its application to the areas described in part II of the second schedule to this order, the words “the day of transfer as defined in the Mid-Wessex Water Order, 1948”;

(iii) in its application to the areas described in part III of the said second schedule, the words “the date of commencement of the Mid-Wessex Water Order, 1948”;

shall respectively be substituted for the words “the commencement of this order”;

(b) in and for the purposes of section 56 of the Frimley and Farnborough District Water Act, 1933 (under which the Mid-Wessex Company are empowered in the case of premises connected after the passing of that Act with the mains of the Company to require the provision of a stop-cock in the pipes serving the premises), in the application of that section to the Herriard limits the words “the twenty-fifth day of July nineteen hundred and thirty-four” shall be substituted for the words “the passing of this Act”;

23 & 24
Geo. 5.
c. xxxiv.

(c) the provisions of section 7 of the Frimley and Farnborough District Water Act, 1915 (which prohibits the Company, save as therein mentioned, from supplying within their limits of supply water exceeding a certain degree of hardness), shall not extend to or be in force within the added limits.

5 & 6 Geo. 5.
c. xiii.

18.—(1) The Mid-Wessex Company may, by agreement with the respective owners of the works for the supply and distribution of water hereinafter referred to, acquire all or any of the said works or any part thereof upon such terms and conditions, pecuniary or otherwise, as may be agreed between the Mid-Wessex Company and the said owners respectively.

Power to
acquire
waterworks
by
agreement.

(2) The works referred to in subsection (1) of this section are the works situate in the rural district of Basingstoke in the county of Southampton and respectively known as—

“the Manydown Estate Waterworks”;

“the Portsmouth Estates Waterworks”; and

“the Dummer Village Waterworks.”

Compensation to officers.

Partial repeal of order of 1934.

Continuance of works constructed by Herriard Company.

As to mains &c. transferred to the Mid-Wessex Company under the order.

Extension of limits of supply.

13. Any compensation payable under section 44 of the Water Act, 1945, in consequence of this order or anything done in pursuance of this order shall be payable by the Mid-Wessex Company.

14.—(1) The order of 1934, except the provisions thereof which are set forth in the third schedule to this order, shall as from the day of transfer be repealed:

Provided that such of the provisions of the order of 1934 as are required for the purposes of winding up the Herriard Company shall not be repealed until the completion of the winding up.

(2) The provisions of the order of 1934 which are set forth in the said schedule shall as from the day of transfer apply to the Mid-Wessex Company and for that purpose shall be construed and have effect as if in those provisions the expression "the undertakers" meant the Mid-Wessex Company:

Provided that the provisions of sections 31 and 32 of the order of 1934 shall only apply to the exercise by the Mid-Wessex Company of their powers under this order within the Herriard limits.

15.—(1) The Mid-Wessex Company may continue and maintain as part of the well and pumping station, Work No. 1 authorised by the order of 1934, the access shaft constructed by the Herriard Company in the parish of Lasham in the rural district of Alton in the county of Southampton in the enclosure numbered in the said parish 157 on the 1/2500 ordnance map (edition of 1910) Hampshire sheet No. XXXV.2 and the adits constructed as aforesaid in the said parish of Lasham and the parishes of Shalden and Bentworth in the said rural district in the enclosures numbered respectively in the said parish of Shalden 76, in the said parish of Lasham 157 and 160 and in the said parish of Bentworth 175 and 181a on the said ordnance map, together with all incidental and ancillary pipes, filters, works and apparatus.

(2) The works which by subsection (1) of this section the Mid-Wessex Company are authorised to continue and maintain shall for all purposes be deemed to form part of the said well and pumping station, and the Mid-Wessex Company may extend, enlarge, alter and renew the said works in and under the said enclosures and may, subject to the provisions of this order, take all or any of the waters which will or may be taken or intercepted by the said works or any of them for the purposes of the undertaking; and the provisions of the Acts and orders from time to time relating to the Mid-Wessex Company shall so far as applicable apply to the said works or any of them in all respects as if they had been constructed or laid down under the authority of those Acts and orders.

16 Any mains, pipes and other works for the distribution of water already laid down in the added limits and transferred to the Mid-Wessex Company by or under this order shall on and after transfer be deemed for all purposes to form part of the undertaking and to have been laid down and constructed by the Mid-Wessex Company under the Acts and orders from time to time relating to the Mid-Wessex Company.

17.—(1) The limits of supply shall be extended so as to include—

(a) on and after the day of transfer the areas described in part I of the second schedule to this order (being the areas within which the Herriard Company are under the order of 1934 authorised to supply water) and the areas described in part II of the said schedule;

(b) on and after the coming into operation of this order the areas described in part III of the said schedule.

(2) Except as by this order otherwise expressly provided, the provisions of the Mid-Wessex Water Acts and Orders, 1893 to 1942, shall with any necessary modifications, apply and have effect within so much of the added limits as is for the time being within the limits of supply, and accordingly the Mid-Wessex Company within so much of the added limits as aforesaid shall have and may exercise the like powers, rights, privileges and authorities, and shall be subject to all and the like duties and obligations, as they have and are subject to within the existing limits:

Provided that—

(a) in and for the purposes of section 9 of the Frimley and Farnborough District Water Order, 1931 (under which the provision of cisterns may be required in the case of certain dwellinghouses the erection of which commences after the commencement of that order)—

(i) in its application to the Herriard limits, the words “the twenty-fifth day of July nineteen hundred and thirty-four”;

(ii) in its application to the areas described in part II of the second schedule to this order, the words “the day of transfer as defined in the Mid-Wessex Water Order, 1948”;

(iii) in its application to the areas described in part III of the said second schedule, the words “the date of commencement of the Mid-Wessex Water Order, 1948”;

shall respectively be substituted for the words “the commencement of this order”;

(b) in and for the purposes of section 56 of the Frimley and Farnborough District Water Act, 1933 (under which the Mid-Wessex Company are empowered in the case of premises connected after the passing of that Act with the mains of the Company to require the provision of a stop-cock in the pipes serving the premises), in the application of that section to the Herriard limits the words “the twenty-fifth day of July nineteen hundred and thirty-four” shall be substituted for the words “the passing of this Act”;

23 & 24
Geo. 5.
c. xxxiv.

(c) the provisions of section 7 of the Frimley and Farnborough District Water Act, 1915 (which prohibits the Company, save as therein mentioned, from supplying within their limits of supply water exceeding a certain degree of hardness), shall not extend to or be in force within the added limits.

5 & 6 Geo. 5.
c. xiii.

18.—(1) The Mid-Wessex Company may, by agreement with the respective owners of the works for the supply and distribution of water hereinafter referred to, acquire all or any of the said works or any part thereof upon such terms and conditions, pecuniary or otherwise, as may be agreed between the Mid-Wessex Company and the said owners respectively.

Power to
acquire
waterworks
by
agreement.

(2) The works referred to in subsection (1) of this section are the works situate in the rural district of Basingstoke in the county of Southampton and respectively known as—

“the Manydown Estate Waterworks”;

“the Portsmouth Estates Waterworks”; and

“the Dummer Village Waterworks.”

(3) Upon the acquisition of any of the said works or any part of any of them, the Mid-Wessex Company may continue, maintain, alter, enlarge, renew and improve the works acquired, and the works so acquired shall for all purposes be deemed to form part of the undertaking and to have been constructed or laid down under the Acts and orders from time to time relating to the Mid-Wessex Company.

Amendment
of section 25
of Act of
1909.
9 Edw. 7.
c. xlvii.

19. Section 25 of the Frimley and Farnborough District Water Act, 1909 (which prohibits the Mid-Wessex Company from constructing works for taking or intercepting water except upon lands specified in an Act of Parliament), shall be read and have effect as if the words "or in an order made under the Water Act, 1945," were added at the end of that section.

For protec-
tion of
British
Transport
Commission.
9 Edw. 7.
c. xlvii.

20.—(1) The provisions of section 32 of the Frimley and Farnborough District Water Act, 1909 (under which the British Transport Commission have protection in respect of certain railways) in their application to the added limits, shall have effect as if in subsection (5) thereof the words "in the exercise of their existing powers" were inserted before the word "require."

(2) The provisions of the said section shall apply to anything done in the exercise of the powers of subsection (3) of section 18 of this order as they apply to anything done in the added limits in the exercise of the powers of the Mid-Wessex Water Acts and Orders, 1893 to 1942.

For protec-
tion of
Berks and
Southampton
County
Councils.
61 & 62
Vict. c. cclx.

21.—(1) The provisions of section 44 of the Wey Valley, Frimley and Farnham Water Act, 1898 (which conferred protection in respect of certain highways and bridges on the Surrey and Southampton County Councils) in their application to the added limits, shall have effect as if for references to the county of Surrey and to the Surrey County Council there were substituted references to the county of Berks and the Berks County Council.

(2) The provisions of the said section shall apply to anything done in the exercise of the powers of subsection (3) of section 18 of this order as they apply to anything done in the added limits in the exercise of the powers of the Mid-Wessex Water Acts and Orders, 1893 to 1942.

For pro-
tection of
Conservators
of River
Thames.

22.—(1) The quantity of water derived from sources within the catchment area to be supplied by the Mid-Wessex Company—

(a) within so much of the limits of supply as is situate outside the catchment area, and

(b) in bulk for consumption or use beyond the catchment area,

during any period of six months ending on the thirtieth day of June or the thirty-first day of December shall not, except with the previous consent in writing of the Conservators of the River Thames, exceed in the aggregate an average daily quantity of one hundred thousand gallons:

Provided that for the purpose of calculating the said aggregate any water obtained by the Mid-Wessex Company by means of the Itchel Pumping Station of that Company in the parish of Crondall in the rural district of Hartley Wintney in the county of Southampton and supplied in bulk by that Company to the Wey Valley Water Company shall not be taken into account.

(2) In this section the expression "the catchment area" means the River Thames (above Teddington Lock) Catchment Area as determined by the map prepared in pursuance of section 5 of the Land Drainage Act, 1930, and for the time being in force.

20 & 21
Geo. 5. c. 44.

23. For the protection of the Right Honourable the Earl of Portsmouth or other the owner for the time being of the existing waterworks forming part of the estate in the parishes of Farleigh Wallop, Nutley, Cliddesden and Ellisfield in the rural district of Basingstoke in the county of Southampton known as "the Portsmouth Estates" (all of whom are referred to in this section as "the estate owner") the following provisions shall apply and have effect:—

For protec-
tion of
Portsmouth
Estates.

(1) Notwithstanding anything in this order, the Mid-Wessex Company shall not, without the consent of the estate owner, supply water for consumption or use within the lands coloured red on the signed plan unless and until the Mid-Wessex Company have acquired the Portsmouth Estates Waterworks in accordance with section 18 of this order:

Provided that a consent required for the purposes of this subsection shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be referred to the Minister of Health.

(2) In this section the expression "the signed plan" means the plan signed in duplicate by Frederick John Hunt on behalf of the estate owner and by Alfred Wilkinson on behalf of the Mid-Wessex Company one copy of which plan has been deposited at the Estate Office, Farleigh Wallop, and one copy at the offices of the Mid-Wessex Company.

24. For the protection of Colonel Arthur Sydney Bates or other the owner for the time being of the existing waterworks forming part of the estate in the parishes of Wootton St. Lawrence and Oakley in the rural district of Basingstoke in the county of Southampton known as "the Manydown Estate" (all of whom are referred to in this section as "the estate owner"), the following provisions shall apply and have effect:—

For protec-
tion of the
Manydown
Estate.

(1) Notwithstanding anything in this order, the Mid-Wessex Company shall not, without the consent of the estate owner, supply water for consumption or use within the lands enclosed by a red verge line on the signed plan unless and until the Mid-Wessex Company have purchased the Manydown Estate Waterworks in accordance with section 18 of this order:

Provided that a consent required for the purposes of this subsection shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be referred to the Minister of Health.

(2) In this section the expression "the signed plan" means the plan signed in duplicate by the estate owner and by Ernest Arthur Burrows on behalf of the Mid-Wessex Company, one copy of which plan has been deposited at 36, Wote Street, Basingstoke, and one copy at the offices of the Mid-Wessex Company.

25. All costs, charges and expenses incurred by the Mid-Wessex Company in or in connection with the application for this order and the preparation and making thereof shall be paid by the Mid-Wessex Company, and may in whole or in part be defrayed out of revenue.

Costs of
order.

THE SCHEDULES REFERRED TO IN THE FOREGOING ORDER

FIRST SCHEDULE

AN AGREEMENT made the Thirteenth day of May 1947 between THE HERRIARD AND LASHAM WATER COMPANY LIMITED (hereinafter called "the Herriard Company") of the one part and MID-WESSEX WATER COMPANY (hereinafter called "the Mid-Wessex Company") of the other part :

WHEREAS :

(1) The Herriard Company are the proprietors of the water undertaking authorised by the Herriard and District Water Order 1934 confirmed by the Provisional Order Confirmation (Herriard and District Water) Act 1934 as amended by the Wey Valley Water Act 1940 and pursuant to the said order are authorised to supply water within the limits of supply as defined by the said order as amended as aforesaid :

(2) The Mid Wessex Company were incorporated by their former name of the Frimlay and Farnborough District Water Company by the Frimley and Farnborough District Water Act 1893 and have power under and by virtue of the Mid-Wessex Water Acts and Orders 1893 to 1942 the Mid-Wessex Water Order 1940 and the Mid-Wessex Water Order 1943 to supply water within the limits of supply therein defined.

(3) The issued capital of the Herriard Company is fourteen thousand seven hundred and forty-six pounds.

(4) The Herriard Company have created and issued two debentures one to the nominal amount of four thousand five hundred pounds and carrying interest at the rate of four and three-quarters per centum per annum and the other to the nominal amount of two thousand seven hundred and fifty pounds and carrying interest at the rate of five and one-half per centum per annum.

(5) The Herriard Company and the Mid-Wessex Company have agreed subject to confirmation as hereinafter provided that the undertaking of the Herriard Company shall be transferred to and vested in the Mid-Wessex Company upon the terms and conditions hereinafter set forth.

NOW IT IS HEREBY AGREED as follows :—

1. In the agreement unless the context otherwise requires :—

"The Herriard Limits" means the limits of supply defined by the Herriard and District Water Order 1934 as amended by subsection (3) of Section 20 of the Wey Valley Water Act 1940.

"The Herriard Undertaking" means the undertaking of the Herriard Company for the supply of water and includes :—

(a) All the lands buildings waterworks waters sources of supply works machinery mains pipes plant spare parts tools apparatus vehicles stock in trade stores furniture chattels effects deeds agreements contracts plans blue prints specifications engineers' opinions and reports books records vouchers letters and other documents belonging to the Herriard Company on the day of transfer (as hereinafter defined) ;

(b) Except as hereinafter provided all bank balances and cash and other balances (including consumers' deposits) in the hands of the Herriard Company or in the hands of their bankers agents or servants on the day of transfer and investments and securities for money ;

(c) All rates rents books debts and other sums of money which on the day of transfer are due or payable to or are accruing due to the Herriard Company ;

- (d) All estates rights powers easements interests and privileges in or had or enjoyed by the Herriard Company at the day of transfer ;
- (e) All other the real and personal property belonging to the Herriard Company on the day of transfer ;
- (f) All liabilities of the Herriard Company except as hereinafter provided ;

but does not include—

- (i) The Directors' minute books and other books and papers relating exclusively to the shareholders in and the constitution of the Herriard Company ;
- (ii) The motor vehicle belonging to the Herriard Company and having a capacity of two tons and bearing the registered number of AHR 490 ;
- (iii) Such a sum as represents so much of the profits of the Herriard Company as they are entitled to retain under Clause 5 hereof ;
- (iv) Any liability in respect of the debenture for the sum of two thousand seven hundred and fifty pounds issued in 1943 by the Herriard Company to Mrs. Beatrice Anne Louise Jervoise and carrying interest at the rate of Five and One half per centum per annum ;
- (v) Any simple contract debt incurred in respect of the Herriard undertaking and owing to the said Mrs. Beatrice Anne Louise Jervoise as at the 31st day of March 1944.

“The Herriard debenture” means the debenture for the sum of £4,500 bearing interest at the rate of $4\frac{3}{4}$ per cent. per annum issued in 1940 by the Herriard Company to the Bournemouth Gas and Water Pension Fund Trustee Corporation and redeemable at par on the 30th day of June, 1960 or at the option of the Herriard Company at any date not earlier than the 30th day of June, 1955.

“The day of transfer” means the first day of January or the first day of July whichever of those days first occurs after—

(a) the date on which the Order referred to in Clause 18 hereof comes into effect ; or

(b) the date on which sanction is given by the liquidator of the Herriard Company in respect of this Agreement in accordance with section 234 or section 243 of the Companies Act 1929,

whichever of those dates is the later or such other day as may be prescribed by the said intended Order.

2. On the day of transfer and subject as hereinafter provided the Herriard Company shall sell to the Mid-Wessex Company and the Mid-Wessex Company shall buy the Herriard Undertaking as a going concern.

3. The Mid-Wessex Company shall on the day of transfer—

- (a) pay to the Herriard Company the sum of Ten thousand seven hundred and fifty pounds in cash ;
- (b) issue to the Herriard Company free of cost 1,075 $4\frac{1}{2}$ % Preference Shares of £10 each redeemable on the first day of July 1957 (or Preferred stock of an equivalent nominal amount) to rank *pari passu* with the existing $4\frac{1}{2}$ % Preference Shares of the Mid-Wessex Company and to carry the same rights as such existing Preference Shares and to be subject to the right of the Mid-Wessex Company to issue further share capital to rank *pari passu* therewith ;
- (c) assume liability for and indemnify the Herriard Company against all further liability for payment of interest on and for the capital redemption of the Herriard debenture ;
- (d) pay to the Herriard Company all capital expenditure incurred by the Herriard Company (except capital expenditure incurred contrary to the terms of Clause 6 hereof) between the first day of April 1944 and the day of transfer in respect of the Herriard undertaking except expenditure incurred in the laying of mains beyond the Herriard limits ;

(e) pay to the Herriard Company if and so far as the districts served by mains laid by the Herriard Company beyond the Herriard limits or any part or parts of such districts are before or within thirty days after the date on which the Order referred to in Clause 18 hereof comes into effect included within the statutory limits for the supply of water by the Mid-Wessex Company a sum equal to the actual capital payments made by the Herriard Company in laying mains in so much of the said districts as is so included ;

(f) in determining the sums payable under sub-clauses (d) and (e) of this clause credit shall be allowed for any contributions towards capital expenditure received or to be received by the Herriard Company from whatever source.

The sum of the payments to be made in accordance with sub-clauses (a), (d) and (e) of this clause is hereinafter referred to as "the purchase money."

4. Except as otherwise provided all debts and liabilities in respect of the Herriard undertaking existing on the day of transfer shall be paid discharged and satisfied by the Mid-Wessex Company :

Provided that no liability or obligation with respect to the debenture granted to Beatrice Anne Louise Jervoise by the Herriard Company and dated the tenth day of November one thousand nine hundred and forty-three or with respect to the repayment of or the payment of interest (whether accrued or to accrue) on the principal monies secured thereby shall be transferred to or in any way become or be a liability of or an obligation imposed upon the Mid-Wessex Company but all liabilities and obligations with respect to the said debenture and the repayment of such principal monies and the payment of such interest as aforesaid shall continue to be a liability of and to be discharged by the Herriard Company and the Herriard Company shall indemnify the Mid-Wessex Company against all claims payments and liabilities with respect to the said debenture and such principal monies and the interest thereon.

5. The Herriard Company shall be entitled to the profits earned between the first day of April 1944 and the day of transfer after deduction of income tax and payment of interest on the debentures such profits to be computed as hitherto.

6. From the date of this Agreement until the day of transfer or the determination of this Agreement the Herriard Company :—

(a) shall carry on the Herriard undertaking in the ordinary course of business and shall effectively maintain all assets of the Herriard Company ;

(b) shall in its general policy and particularly in regard to the making of contracts the expenditure of money on capital account and the incurring of liabilities act in consultation with the directors of the Mid-Wessex Company ;

(c) shall not (without the consent in writing of the Mid-Wessex Company)—

(i) incur any capital expenditure except for the purpose of preventing a breach of the statutory obligations of the Herriard Company ;

(ii) enter into any new contract agreement liability or other obligation in respect of the Herriard undertaking which shall extend beyond the day of transfer ;

(iii) vary any of the rates rents and charges which were being demanded by the Herriard Company at the date of this agreement ;

(iv) borrow upon mortgage or charge any of the assets of the Herriard Company or create or issue any new capital or renew any existing mortgage or debenture ;

(v) make any payment to any director officer or servant of the Herriard Company beyond their usual remuneration and emoluments at the rates operative at the date of this agreement (unless any such payment is made in pursuance of a National Award) ;

- (vi) increase the existing staff or number of employees of the Herriard Company ;
- (vii) make any change in the direction of the Herriard undertaking ;
- (viii) enter into any binding agreement with the Air Ministry regarding the plant installed at the R.A.F. Station at Lasham.

7. As from the date of this agreement the Mid-Wessex Company and any officer thereof or engineer or accountant nominated by the Mid-Wessex Company for the purpose shall have access at all reasonable times to the works offices books accounts records maps and documents of the Herriard Company and the Herriard Company shall give them or him such information and assistance from time to time as may be reasonably required.

8. The purchase shall be completed at the office of the Herriard Company on the day of transfer and thereupon the Herriard Company and all other necessary parties shall execute and do all assurances and things for vesting the Herriard undertaking in the Mid-Wessex Company and for giving the Mid-Wessex Company the full benefit of this agreement.

9. If from any cause other than the wilful default of the Herriard Company the purchase money is not paid on the day of transfer the Mid-Wessex Company shall pay to the Herriard Company interest at the rate of five per centum per annum on the purchase money or such part thereof as is not paid on the day of transfer until the actual date of payment.

10. In addition to the payments to be made by the Mid-Wessex Company to the Herriard Company the Mid-Wessex Company shall make the following payments by way of compensation namely :—

- (1) To Major F. H. T. Jervoise Director of the Herriard Company the sum of £350 on the day of transfer if then living.
- (2) To C. B. Durham Secretary of the Herriard Company the sum of £1000 on the day of transfer.
- (3) To C. E. Farrow if then foreman of the Herriard Company the sum of £100 on the day of transfer.

11. The Mid-Wessex Company shall take over and employ in suitable position as from the day of transfer A. Carter and F. Pearce employees of the Herriard Company on terms of wages and conditions not less favourable than the terms and conditions under which they are employed by the Herriard Company on the day of transfer.

12. The Mid-Wessex Company undertakes that while the said Major F. H. T. Jervoise shall continue to be tenant for life of the lands and hereditaments settled by the Will and four Codicils of Francis Jervoise Ellis Jervoise proved on the 21st day of April 1881 in the Principal Probate Registry the Mid-Wessex Company shall continue to afford a supply of water to Herriard Park and the garage stables gardens and the home farm and to other buildings or lands occupied or farmed by Major Jervoise up to a maximum of 750,000 gallons in any calendar year at an inclusive rental of £50 per annum provided always that any excess consumption above such limit of 750,000 gallons per year shall be charged and paid for at the then current scale of the Mid-Wessex Company for metered supplies in excess of an aggregate of 750,000 gallons a year.

13. The Mid-Wessex Company shall concurrently with their application for the Order referred to in Clause 18 hereof seek powers to extend their limits of supply so as to include those parts of the parishes of Shalden Wield Bighton and Old Alresford in the rural districts of Alton and Winchester or any other parishes in which the Herriard Company have at the date of this Agreement laid or in accordance with the terms of this agreement shall lay water mains.

14. The mains belonging to the Herriard Company have for purposes of identification and of differentiation between the mains of the Herriard Company and the service pipes of consumers been marked on a plan which has been signed by Cecil Bruce Durham on behalf of the Herriard Company and by Claude Pain on behalf of the Mid-Wessex Company.

15.—(i) The title of the Herriard Company to the freehold property forming part of the Herriard undertaking and short particulars whereof are set out in the Schedule hereto shall be accepted by the Mid-Wessex Company without further investigation but this shall not apply to the property the purchase of which is not yet completed.

(ii) The title of the Herriard Company to maintain and use the mains of the undertaking which are not laid in the highway not having been completed in all respects prior to the date hereof the Herriard Company shall before the day of transfer obtain from the owners and occupiers of the lands through which such mains pass the necessary grants of wayleave in the form usually employed by the Herriard Company.

16. The Herriard Company shall immediately after this agreement enter into an agreement with Major F. H. T. Jervoise in the form already agreed between the parties hereto and Major Jervoise and the Herriard Company shall on the day before the day of transfer complete the transactions by assuring to Major Jervoise the lands to be conveyed to him and taking from Major Jervoise a conveyance of the land and a grant of the rights to be assured to the Herriard Company.

17. The costs and expenses reasonably incurred by the Herriard Company in the preparation and completion of this Agreement and of the stamping and of the preparation and execution of any necessary Conveyances or documents for vesting the Herriard undertaking in the Mid-Wessex Company (including stamp duty payable) shall be paid by the Mid-Wessex Company.

18. The Mid-Wessex Company shall take all proper steps to apply for and shall use their best endeavours to obtain an Order of the Minister of Health under the Water Act 1945 containing powers to enable the purposes of this Agreement to be carried into effect and the Herriard Company will at the expense of the Mid-Wessex Company do all such things as may be reasonably required to assist in applying for and obtaining such Order.

19.—(a) This Agreement is subject to the said intended Order being made and coming into effect and to such alterations (if any) as the Minister of Health or Parliament may think fit to make in the terms and conditions herein contained.

(b) This Agreement is also conditional on—

(i) the approval of the proprietors of the Mid-Wessex Company and the Herriard Company respectively in general meeting being obtained which approval the directors of the Mid-Wessex Company and of the Herriard Company shall respectively use their best endeavours to obtain ;

(ii) the passing by the Herriard Company of a special resolution for winding-up ;

(iii) the appointment of a person as the liquidator of the Herriard Company ;

(iv) the passing by the Herriard Company of a special resolution giving sanction to such liquidator as aforesaid in respect of this Agreement in accordance with Section 234 or Section 243 of the Companies Act 1929 ;

(v) the adoption of this Agreement by the said liquidator.

(c) If the Mid-Wessex Company fail to obtain the necessary powers before the expiration of two years from the date hereof this Agreement may by notice in writing to the other of them be determined by either party except as regards clauses 17 and 18 hereof and if any material alteration affecting the subject matter of this Agreement shall be made by the Minister of Health or Parliament in the said intended Order or if the approval of the proprietors of the Mid-Wessex Company or of the Herriard Company is not obtained as aforesaid then in any such case either party hereto may by notice in writing to the other of them withdraw from the agreement except as aforesaid.

20. Any difference arising under this Agreement between the parties shall be referred to and determined by a Counsel to be nominated by the President for the time being of the Law Society on the application of either party hereto and the provisions of the Arbitration Acts 1889 and 1934 or any statutory modification or re-enactment thereof for the time being in force shall apply to each reference and determination.

IN WITNESS whereof the parties hereto have hereunto caused their Common Seals to be hereunto affixed the day and year first before written.

THE SCHEDULE BEFORE REFERRED TO
Land and easements for Works

Site	Parish	Enclos. No. (Surv. Edn. 1910)	Area a. r. p.	Date of Conveyance to the Herriard Company and Lasham Company
LASHAM Pumping Stn.	Lasham	part 157 (S.E. Corner)	22	23rd February, 1921.
Ditto (for addits)	Bentworth	part 102 part 175		
LASHAM Resrs.	Lasham	part 136 (E. Corner) Do. Do.	3 15 1 - - 2 2 17	23rd February, 1921. 5th November, 1924. 9th March, 1933.
LASHAM P. S. and elsewhere to Lasham Resrs. Right of way.	Lasham	157 159 145 137		23rd February, 1921.
MEDSTEAD—Re- servoir at Hussell Lane.	Medstead	part 162	approx. 2 - -	30th August, 1940.
MEDSTEAD—Site for Reservoir at Red Hill Copse.	Medstead	part 202	approx. ½ - -	4th May, 1935.
SHALDEN.	Shalden	76	11½ - -	11th May, 1945.
BENTWORTH AND SHALDEN.	Bentworth and Shalden	part 76	1 3 25 and cottage	Purchase not yet completed.

The Common Seal of the Herriard and
Lasham Water Co. Ltd., was here-
unto affixed in the presence of

(Sgd.) F. H. JERVOISE, *Director*.
(Sgd.) C. BRUCE DURHAM, *Secretary*.

The Common Seal of Mid-Wessex Water
Co. was hereunto affixed in the
presence of

(Sgd.) E. F. CRUNDWELL } *Directors*.
(Sgd.) W. M. MOUNT }
(Sgd.) F. G. PEGG, *Secretary*.

SECOND SCHEDULE

THE ADDED LIMITS

PART I

The Herriard Limits

In the county of Southampton—

In the rural district of Basingstoke—

The parishes of Herriard, Tunworth, Weston Corbett and Bradley.

So much of the parish of Winslade as lies to the east and south of the boundary of Hackwood Park, that is to say east of the said boundary between the junction thereof with the public roadway at the north-east corner of the enclosure numbered in the parish of Basing 654 on the 1/2500 ordnance map (edition of 1910) Hampshire sheet no. XIX.9 and the south-eastern corner of the enclosure numbered in the parish of Winslade 5 on the said map sheet no. XIX.13 and thence south of the said boundary to the junction of the said boundary and the public roadway at the south-west corner of the enclosure numbered in the parish of Winslade 7 on the 1/2500 ordnance map (edition of 1932) Hampshire sheet no. XVIII.16 and thence east of the public roadway between the last mentioned point and a point 400 feet south thereof.

So much of the parish of Ellisfield as is bounded on the west by the road known as Winslade Lane between Fryingdown Copse and Ellisfield Manor, on the south-west by the lane from Ellisfield Manor to the most southerly extremity of the enclosure numbered in the parish of Ellisfield 227 on the 1/2500 ordnance map (edition of 1910) Hampshire sheet no. XXVI.12, and on the north by the southern boundary of the said enclosure known as Fryingdown Copse numbered in the said parish 15 on the said ordnance map sheet no. XXVI.4.

In the rural district of Alton—

The parishes of Lasham, Bentworth and Medstead.

So much of the parish of Shalden as lies to the west of the road leading from Alton to Odiham between the north-eastern corner of the enclosure numbered in the parish of Shalden 9 on the 1/2500 ordnance map (edition of 1910) Hampshire sheet no. XXVII.11 and the south-eastern corner of the enclosure numbered in the said parish 116 on the said ordnance map sheet no. XXXV.3.

PART II

In the county of Southampton—

In the rural district of Basingstoke—

The parishes of Farleigh, Wallop, Nutley, Dummer with Kempshot, Deane, Oakley, Wootton St. Lawrence, North Waltham, Steventon, Popham, Woodmancott, Candovers, Preston Candover and Cliddesden, and so much of the parishes of Winslade and Ellisfield as is not within the Herriard limits.

In the rural district of Alton—

The parish of Wield and so much of the parish of Shalden as is not within the existing limits or the Herriard limits.

PART III

In the county of Berks—

In the rural district of Newbury—

So much of the parish of Thatcham as is situate southward of an imaginary line drawn parallel to and at a distance of six hundred yards or thereabouts northward from the centre of the road from Newbury to Brimpton, and eastward of an imaginary straight line drawn due north and south through a point on the northern boundary of Crookham Common one thousand feet westward of the point where the western boundary of the road leading from Crookham Common to Thatcham and the said northern boundary intersect.

THIRD SCHEDULE

PROVISIONS OF HERRIARD AND DISTRICT WATER ORDER, 1934, SAVED
FROM REPEAL

Herriard and District Water Order, 1934—

PART V

Works

23.—(1) The Undertakers may in upon or under the lands where the same are situate maintain and continue the following existing waterworks in the rural district of Alton in the county of Southampton and may from time to time alter enlarge extend repair renew and improve the same together with all mains pipes machinery buildings works and apparatus of whatsoever character as may be necessary or convenient in connection therewith or subsidiary thereto (that is to say):—

Power to
maintain
waterworks.

Work No. 1. A well with heading and pumping station in the parish of Lasham situate in the south-eastern corner of the enclosure numbered in the said parish 157 on the 1/2500 Ordnance Map (Edition 1910) Hampshire Sheet No. XXXV.2 ;

Work No. 2. Two reservoirs in the said parish of Lasham situate near the easternmost extremity of the enclosure numbered in the said parish 136 on the last-mentioned Ordnance map Sheet No. XXVII.14 ;

and the Undertakers may maintain continue alter enlarge renew and improve any mains or pipes already laid down in connection with the before-mentioned works or either of them and every appliance whatsoever existing at the commencement of this Order for conveying water from the said works and distributing the same throughout the area supplied at the commencement of this Order.

(2) The powers conferred by this section shall be exercised by the Undertakers only so long and so far as they are possessed of interests rights or easements in the lands (other than the highways) in upon or under which the works mains pipes machinery appliances or apparatus are or are to be placed entitling them so to do.

(3) Any electrical apparatus maintained under this section shall be so maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

24. Subject to the provisions of this Order the Undertakers may pump collect impound take use divert and appropriate for the purposes of the undertaking all such underground springs streams or waters as may be intercepted by the works by this Order authorised to be maintained and used.

Power to take
water.

* * * * *

Differences
with road
authority or
railway or other
company.

31. If any difference shall arise between the Undertakers and any road authority railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or as to the facilities to be afforded for the same or as to any other matter referred to in this Order the difference shall unless otherwise provided by this Order be settled by an engineer to be appointed by the Minister at the request of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration.

PART VI

Water Supply

Limits of
pressure.

32. The water supplied by the Undertakers shall be laid on constantly under pressure but need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or tank from which the supply is taken and it shall be in the discretion of the Undertakers in every case to determine the particular service reservoir or tank from which the supply is to be taken.

Given under the official seal of the Minister of Health this twenty-third day of December, nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Leamington Water Order, 1948

Made - - - - 31st December, 1948

Coming into Operation 31st December, 1948

MH.108745.

The Minister of Health, in exercise of the powers conferred on him by section 26 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

8 & 9 Geo. 6.
c. 42.

1. This order may be cited as the Leamington Water Order, 1948. Short title.

2. In this order—

Interpreta-
tion.

“the Corporation” means the mayor, aldermen and burgesses of the borough of Royal Leamington Spa ;

“the borough” means the borough of Royal Leamington Spa ;

“the undertaking” means the water undertaking of the Corporation ;

“the river” means the river Leam ;

“day” means a period of twenty-four hours ending with midnight.

3. For the purposes of this order the provisions of subsections (3) (4) (5) and (7) of section 10 of the Third Schedule to the Water Act 1945 are hereby applied to the undertaking subject to the following modifications:—

Application
of Part III
of Third
Schedule to
Water Act,
1945.

(a) in paragraph (b) of subsection (4) the words “subsection (1) or” and the words from “or fail” to the end of the paragraph shall be omitted ;

(b) in subsection (5) the words “and the discharge of water into” shall be omitted.

4. Subject to the provisions of this order the Corporation may for the purposes of the undertaking abstract water from the river by means of all or any of the following works:—

Power to
take water.

(1) an existing intake or intakes in the borough on the north bank of the river near the Mill Suspension Bridge Weir ;

(2) an existing intake in the borough on the south bank of the river one hundred and fifty-six feet or thereabouts up stream from the Princes’ Drive Weir ;

(3) any other intake which may be constructed by the Corporation in the borough with the approval of the Minister of Health on land for the time being belonging to the Corporation up stream from the said Mill Suspension Bridge Weir.

5. The Corporation shall not by means of the works referred to in the last foregoing section abstract from the river—

Restrictions
on taking
water from
river.

(1) any water on any day on which not more than three million gallons of water pass over the Princes’ Drive Weir ;

WATER, ENGLAND

The South Staffordshire Water Order, 1949

Made - - - - 25th January, 1949

Coming into Operation 25th January, 1949

M.H. 108739.

8 & 9 Geo.
6. c. 42.

The Minister of Health, in exercise of the powers conferred on him by section 23 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

Short title.

1. This order may be cited as the South Staffordshire Water Order, 1949.

Interpre-
tation.

2. In this order “ the undertakers ” means the South Staffordshire Waterworks Company.

Power to
lay water
main out-
side limits
of supply.

3. The undertakers may lay a water main in so much of the road from Halesowen to Hagley outside the limits within which they are authorised to supply water as lies between the boundary of the borough of Halesowen and a point in the said road near Turnpike Coppice in the parish of Hagley in the rural district of Bromsgrove.

Application
of provis-
ions of
Third
Schedule to
Water Act,
1945.

4. For the purposes of this order, the provisions of section 4, and of Part VI, of the Third Schedule to the Water Act, 1945, are hereby applied to the undertaking of the undertakers.

Given under the official seal of the Minister of Health this twenty-fifth day of January, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Lee Valley and Luton Area (Conservation of Water)
Amendment Order, 1948

Made - - - - 2nd December, 1948

Coming into Operation 1st February, 1949

M.H. 108411.

The Minister of Health, in exercise of the powers conferred on him by sections 14 and 50 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Lee Valley and Luton Area (Conservation of Water) Amendment Order, 1948. Citation.

(2) The Lee Valley (Conservation of Water) Order, 1946(b), and section 2 of this order may be cited together as the Lee Valley (Conservation of Water) Orders, 1946 and 1948.

(3) The Luton Area (Conservation of Water) Order, 1946(c), and section 3 of this order may be cited together as the Luton Area (Conservation of Water) Orders, 1946 and 1948.

2. The Lee Valley (Conservation of Water) Order, 1946 (which defined an area to which the provisions of section 14 of the Water Act, 1945, were to apply and included in the area certain parishes in the rural district of Braughing) shall have effect as if the whole of the rural district of Braughing were included in the area defined by that order. Amendment of Lee Valley Order.

3. The Luton Area (Conservation of Water) Order, 1946 (which defined an area to which the provisions of the said section 14 were to apply and included in the area part of the parish of Codicote in the rural district of Hitchin) shall have effect as if the whole of the parish of Codicote were included in the area defined by that order. Amendment of Luton Area Order.

Given under the official seal of the Minister of Health this second day of December, nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

(a) 8 & 9 Geo. 6. c. 42.

(b) S.R. & O. 1946 No. 2005.

(c) S.R. & O. 1946 No. 1992.

WATER, ENGLAND

The Kingsbridge and Salcombe Water Board Order, 1949

Made - - - - - 5th February, 1949

Coming into Operation 5th February, 1949

M.H.108532.

8 & 9 Geo. 6.
c. 42.
11 & 12
Geo. 6. c. 22.

Short and
collective
titles.

Interpreta-
tion.

Incorporation of
Lands
Clauses
Acts.
9 & 10
Geo. 6. c. 49.
8 & 9 Vict.
c. 18.

Purchase
of lands.

Con-
struction
of works.

The Minister of Health, in exercise of the powers conferred on him by section 23 of the Water Act, 1945, as extended by section 3 of the Water Act, 1948, and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Kingsbridge and Salcombe Water Board Order, 1949.

(2) The Kingsbridge and Salcombe Water Board Acts, 1930 and 1937, and this order may be cited together as the Kingsbridge and Salcombe Water Board Acts and Order, 1930 to 1949.

2. In this order unless the context otherwise requires—

“ the Board ” means the Kingsbridge and Salcombe Water Board;

“ the signed plan ” means the plan prepared in duplicate sealed with the official seal of the Minister of Health and marked “ Plan referred to in the Kingsbridge and Salcombe Water Board Order, 1949 ”, one copy of which is deposited at the offices of the Minister of Health and one copy at the offices of the Board;

“ the undertaking ” means the water undertaking of the Board for the time being authorised.

3. The Lands Clauses Acts are hereby incorporated with this order, and those Acts and the enactments relating to the compensation payable in respect of the compulsory acquisition of land shall apply accordingly subject to the exceptions and modifications specified in Parts I and III of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and to the exception of section 133 of the Lands Clauses Consolidation Act, 1845 (which relates to promoters making good deficiencies in land tax and rates).

4. Subject to the provisions of this order, the Board may purchase compulsorily for the purpose of constructing the works authorised by this order all or any of the lands described in the first schedule to this order.

5.—(1) Subject to the provisions of this order, the Board may on the lands described in the first schedule to this order, upon the acquisition of the said lands or of sufficient rights or interest therein, construct and maintain in the lines and situations shown upon the signed plan

the following works in the parish of Halwell in the rural district of Totnes in the county of Devon:—

Work No. 1—a service reservoir to be known as the Stanborough Reservoir.

Work No. 2—an approach road commencing by a junction with the public road from Stanborough Gate to Totnes Cross and terminating at the reservoir Work No. 1 hereinbefore described.

Work No. 3—a washout pipe commencing in the reservoir Work No. 1 hereinbefore described and terminating in a ditch on the southern boundary of enclosure number 4 in the parish of Halwell on the 1/2500 ordnance map of Devonshire sheet CXXVI.16 (edition of 1906).

(2) For the purpose of enabling the Board to construct and maintain a line or lines of pipes in the parishes of South Brent, Diptford, Halwell and Moreleigh in the rural district of Totnes in the county of Devon, commencing by a junction with the existing water main of the Board at a point situate two chains or thereabouts north-east of Zeal Bridge in the parish of South Brent and terminating in the reservoir Work No. 1 hereinbefore described, the provisions of the Third Schedule to the Water Act, 1945, which are set out in the first column of parts I and III of the second schedule to this order shall, subject to the modifications set out in the second column thereof, apply to the undertaking.

(3) The said works and line or lines of pipes shall for all purposes be deemed to form part of the undertaking.

6. If as respects any street compliance by the Board with the requirement of section 22 of the Third Schedule to the Water Act, 1945, that the Board shall in the exercise of the powers conferred by that section cause as little inconvenience as may be would involve the Board in unreasonable labour, delay or expense, they may, notwithstanding that requirement, temporarily stop up that street:

Modifica-
tion of
section 22
of Third
Schedule.

Provided that the provisions of section 27 of the Kingsbridge and Salcombe Water Board Act, 1937, (which relates to the stopping up of streets) shall apply to any such stopping up of a street.

1 Edw. 8.
& 1 Geo. 6.
c. lvi.

7. For the purposes of this order other than subsection (2) of section 5, the provisions of the Third Schedule to the Water Act, 1945, which are set out in the first column of parts II and III of the second schedule to this order shall, as amended by the Water Act, 1948, and subject to the modifications set out in the second column of the said second schedule, apply to the undertaking.

Application
of certain
provisions
of Third
Schedule
to Water
Act, 1945.

FIRST SCHEDULE

DESCRIPTION OF LAND

Lands delineated on the signed plan and thereon numbered 1, 2 and 3, containing about 6.37 acres and situated in the parish of Halwell in the rural district of Totnes on the south-eastern side of the public road from Stanborough Gate to Totnes Cross.

SECOND SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO WATER ACT, 1945, APPLIED

Provisions applied (1)	Modifications (2)
PART I	
Section 19 (power to lay mains). Section 20 (conditions as to laying mains outside limits of supply). Part VI (breaking open streets, &c.).	References in sections 19, 20 and 22 to the limits of supply shall be construed as references to the area consisting of the parishes of South Brent, Dipt- ford, Halwell and Moreleigh in the rural district of Totnes in the county of Devon.
PART II	
Section 2 (permissible limits of deviation). Section 4 (general power to con- struct subsidiary works). Section 5 (power of undertakers to lay or erect telephone wires, &c.). Section 7 (power to acquire ease- ments for underground works). Section 8 (persons under disability may grant easements). Section 9 (extinction of private rights of way).	For the words " plans submitted to the Minister " there shall be substituted the words " signed plan." ———— ———— ———— ———— ————
PART III	
Section 6 (penalty for obstructing construction of works). Part IV (minerals underlying waterworks).	The reference to authorised works shall be deemed to include any line of pipes constructed in pur- suance of subsection (2) of sec- tion 5 of this order. In section 12 for the words " after this section is incorporated with their enactments " there shall be substituted the words " under the special Act "; for the words " all existing pipes or other conduits for the collection, passage, or distribution of water and under- ground works belonging to them " there shall be substitu- ted the words " all such pipes or other conduits or underground works "; and the words " for the time being belonging to them " shall be omitted.

PART III—*contd.*

Provisions applied (1)	Modifications (2)
Subsection (2) of section 65 (penalties for misuse of water).	—
Section 83 (penalty for obstructing execution of special Act).	—
Section 85 (summary proceedings for offences).	—
Section 87 (restriction on right to prosecute).	—
Section 92 (liability of undertakers to pay compensation).	—
Section 93 (protection for works of navigation authorities and for catchment boards and railways).	—
Section 94 (copies of special Act to be kept by undertakers in their office, and deposited with certain officers).	—

Given under the official seal of the Minister of Health this fifth day
of February nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The North East Lincolnshire Area (Conservation of Water)
Order, 1948

<i>Made - - - -</i>	<i>11th December, 1948</i>
<i>Coming into Operation</i>	<i>16th February, 1949</i>

M.H.106613.

The Minister of Health, in exercise of the powers conferred on him by section 14 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the North East Lincolnshire Area (Conservation of Water) Order, 1948.

2. The area consisting of the districts and parts of districts specified in the schedule to this order is hereby defined as an area to which the provisions of section 14 of the Water Act, 1945, apply.

SCHEDULE

Districts and parts of districts comprised in the Area

The county borough of Grimsby.

In the county of Lincoln, Parts of Lindsey—

the boroughs of Cleethorpes and Louth ;

the urban districts of Alford, Barton-upon-Humber, Mablethorpe and Sutton, and Skegness ;

in the rural district of Caistor, the parishes of Keelby, Limber Magna, Limber Parva with Brocklesby, and Riby ;

in the rural district of Glanford Brigg, the parishes of Barrow, Croxton, East Halton, Goxhill, Kirmington, North Killingholme, South Killingholme, Thornton Curtis, Ulceby and Wootton ;

the rural district of Grimsby, except the parishes of Hawerby with Beesby and Wold Newton ;

in the rural district of Horncastle, the parishes of Asgarby, Ashby West, Asterby, Belchford, Benniworth, Cawkwell, Fulletby, Goulceby, Greetham, Hagworthingham, Hameringham, Hemingby, Lusby, Mareham on the Hill, Salmonby, Scamblesby, Somersby, Stainton Market, Tetford, Toynton High, Toynton Low and Winceby ;

the rural district of Louth, except the parishes of Kelstern with Lambcroft, Ludford, Ormsby North, Saint Mary and Saint Gabriel Binbrooke, and Wyham with Cadeby ;

the rural district of Spilsby, except the parishes of Carrington, Frithville, Hagnaby, Kirkby East, Langrville, Sibsey, Thornton le Fen, West Fen, and Westville.

Given under the official seal of the Minister of Health this eleventh day of December, nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The West Hampshire Water Order, 1949

Made - - - - 22nd February, 1949
Coming into Operation 22nd February, 1949

M.H. 108898.

The Minister of Health, in exercise of his powers under section 10 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows :—

1.—(1) This order may be cited as the West Hampshire Water Order, 1949.

(2) The West Hampshire Water Acts and Orders, 1893 to 1948, and this order may be cited together as the West Hampshire Water Acts and Orders, 1893 to 1949.

2. In this order, unless the context otherwise requires,—

“the Company” means the West Hampshire Water Company ;

“the existing limits” means the limits within which the Company are by the West Hampshire Water Acts and Orders, 1893 to 1948, authorised to supply water ;

“the added limits” means the area described in the schedule to this order.

3.—(1) The limits within which the Company may supply water and exercise the powers conferred on them by the West Hampshire Water Acts and Orders, 1893 to 1948, shall extend to and include, in addition to the existing limits, the added limits.

(2) The Company within the added limits shall have and may exercise all and the like powers, rights, privileges and authorities, and be subject to all and the like duties and obligations, as they have and are subject to within the existing limits of supply.

SCHEDULE

Description of added limits

In the county of Hampshire—

in the rural district of the New Forest—

the parish of Beaulieu ;

in the rural district of Romsey and Stockbridge—

so much of the parishes of Plaitford and Wellow as are south of the River Blackwater ;

In the county of Wiltshire—

in the rural district of Salisbury and Wilton—

the parish of Landford and so much of the parish of Downton as immediately before the coming into force of the County of Wilts Review Order, 1934, comprised the former parish of Standlynch with Charlton-All-Saints.

Given under the official seal of the Minister of Health this twenty-second day of February, one thousand nine hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Mid Kent Water Order, 1949

Made - - - - 22nd February, 1949

Coming into Operation 22nd February, 1949

M.H.108703.

8 & 9 Geo. 6.
c. 42.

The Minister of Health in exercise of the powers conferred on him by section 9 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows :—

Short and
collective
titles.

1.—(1) This order may be cited as the Mid Kent Water Order, 1949.

(2) The Mid Kent Water Orders, 1888, 1890 and 1895 and the Mid Kent Water Acts and Orders, 1898 to 1936, and this order may be cited together as the Mid Kent Water Acts and Orders, 1888 to 1949.

Incorporation
of Acts.

2.—(1) The following enactments (so far as they are applicable to the purposes of this order and are not inconsistent with the provisions of the Mid Kent Water Acts and Orders, 1888 to 1949) are hereby incorporated with this order :—

(a) The Companies Clauses Consolidation Act, 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital) as amended by subsequent Acts ;

(b) The Companies Clauses Act, 1863, as amended by subsequent Acts.

(2) In the construction of the enactments so incorporated with this order the expression “special Act” shall be read as a reference to this order and the expression “the Undertakers” shall mean the Company.

Interpretation.

3. In this order unless the context otherwise requires—

“the Company” means the Mid Kent Water Company ;

“the South Kent Company” means the South Kent Water Company ;

“the scheduled agreement” means the agreement set out in the first schedule to this order ;

“the date of amalgamation” means the first day of April, 1949 ;

“the South Kent undertaking” means the undertaking described in clause 1 of the scheduled agreement ;

“the undertaking” means the undertaking of the Company as for the time being authorised ;

“the existing limits” means the limits within which the Company are authorised to supply water immediately before the date of amalgamation ;

“the added limits” means the areas described in the second schedule to this order (being the limits within which the South Kent Company are authorised under the South Kent Act and Orders to supply water);

“the limits of supply” means the limits within which the Company are for the time being authorised to supply water;

“the South Kent Act and Orders” means the South Kent Water Act, 1889, the South Kent Water Order, 1910 (confirmed by the Water Orders Confirmation Act, 1910), the South Kent Water Order, 1920 (confirmed by the Gas and Water Orders Confirmation Act, 1920), and the South Kent Water Order, 1939 (confirmed by the Ministry of Health Provisional Order Confirmation (South Kent Water) Act, 1939), and each of them is referred to in this order as the South Kent Water Act or order of the year in which the Act or confirming Act was passed;

52 & 53 Vict.
c. cxxxi.
10 Edw. 7.
and 1 Geo. 5.
c. xciv.
10 & 11
Geo. 5. c. cvi.
2 & 3 Geo. 6.
c. xxxix.

“the directors” means the directors of the Company.

4. Subject to the provisions of this order, on the date of amalgamation the undertaking and the South Kent undertaking shall be amalgamated and accordingly on that date the South Kent undertaking shall, by virtue of this order, be transferred to and vest in the Company upon the terms of the scheduled agreement and become part of the undertaking.

Amalgama-
tion of
undertakings.

5.—(1) As on the date of amalgamation there shall be created by virtue of this section and without any other requisite—

Creation of
shares &c. to
give effect
to scheduled
agreement.

- (a) fifty-two thousand pounds of ordinary shares of ten pounds each of the Company entitled to a maximum dividend of seven per centum per annum;
- (b) eight thousand pounds of preference shares of ten pounds each of the Company entitled to a maximum dividend of seven per centum per annum;
- (c) twenty-five thousand four hundred and thirty pounds of preference shares of ten pounds each of the Company entitled to a maximum dividend of five per centum per annum;
- (d) six thousand pounds of five per centum perpetual debenture stock of the Company; and
- (e) twelve thousand five hundred pounds of four per centum perpetual debenture stock of the Company.

(2) The ordinary and preference shares created by virtue of this section shall be deemed to be fully paid up and shall be and form part of the share capital of the Company existing at the date of amalgamation and shall rank for dividend as from the date of amalgamation.

(3) Save as is otherwise expressly provided by this order, the holders of shares created by virtue of this section, in proportion to the nominal amount of their holding, shall, after the date of amalgamation, be subject and entitled to the same powers provisions liabilities rights privileges and incidents as the holders of shares of the same respective classes forming part of the share capital existing at the date of amalgamation.

(4) The debenture stock created by virtue of this section shall, as from the date of amalgamation, bear interest as respects six thousand pounds part thereof at the rate of five per centum per annum and as

respects twelve thousand five hundred pounds the remainder thereof at the rate of four per centum per annum and shall be charged upon the undertaking and the holders thereof, in proportion to the nominal amount of their holding, shall, after the said date, be subject and entitled to the same powers provisions liabilities rights privileges and incidents as if the said debenture stock had been debenture stock of the same class created and issued by the Company under the powers of and in accordance with the provisions of the Mid Kent Water Acts and Orders, 1898 to 1936, and of the enactments incorporated therewith.

Issue of
shares, &c.

6.—(1) The certificates for ordinary and preference shares and the debenture stock created by virtue of section 5 of this order shall as soon as is reasonably practicable after the date of amalgamation be issued to the holders of original ordinary shares in the South Kent Company and of preference shares in the said Company to which a preferential dividend at the rate of seven per centum per annum or five per centum per annum, as the case may be, has been assigned and to the holders of five per centum and four per centum debenture stock of the South Kent Company for distribution in accordance with the provisions of the scheduled agreement, but no such holder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such new certificate is to be substituted, or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and given such guarantee or indemnity in respect thereof as the directors may require.

(2) For the purpose of facilitating the distribution of the shares and stock referred to in sub-section (1) of this section among the ordinary and preference shareholders and debenture stockholders of the South Kent Company, the South Kent Company shall, not less than twenty-one days before the date of amalgamation, deliver to the Company a statement containing the names and addresses of the said shareholders and debenture stockholders and the amount of ordinary and preference shares or debenture stock to which each of them is entitled under the provisions of the scheduled agreement, and the Company shall issue and deliver to such holders, as soon as is reasonably practicable after the date of 'amalgamation, the appropriate certificates made out in the names of the said shareholders or debenture stockholders.

Receipt for
considera-
tion.

7. The receipt in writing of a shareholder or debenture stockholder of the South Kent Company for any certificates delivered to that shareholder or debenture stockholder shall effectually discharge the Company from the amount of shares or debenture stock which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss, misapplication or non-application thereof, and if from any cause the Company are unable to obtain any such receipt they may lodge the certificates in the Supreme Court in accordance with rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act, 1925, and a certificate given in accordance with those rules stating that such certificates have been so lodged shall have the same effect for the purposes of this section of this order as the receipt of the shareholder or debenture stockholder.

15 & 16
Geo. 5. c. 49.

8. If any ordinary or preference shares or debenture stock created by virtue of section 5 of this order are to be issued to a shareholder or debenture stockholder in the South Kent Company, being a minor, idiot or lunatic, the receipt of his guardian or of the committee of his estate (as the case may be) shall be a sufficient discharge to the Company.

Receipt in case of persons not sui juris.

9. Any action, arbitration or proceeding, and any cause of action, arbitration or proceeding, which shall at the date of amalgamation be pending or existing by or against or in favour of the South Kent Company shall not abate or be discontinued or be in anywise prejudicially affected by reason of the transfer to the Company of the South Kent undertaking or of anything in this order, but may be continued, prosecuted and enforced by, against or in favour of the Company as and when it might have been continued, prosecuted and enforced by, against or in favour of the South Kent Company if this order had not been made, but not further or otherwise.

Saving of pending actions.

10. Except as by this order otherwise provided, all contracts, agreements, conveyances, deeds, leases, licences and other instruments affecting the South Kent Company and in force at the date of amalgamation (other than the scheduled agreement) shall as from that date be as binding and of as full force and effect against or in favour of the Company, and may be enforced against or in favour of the Company as fully and effectually, as if instead of the South Kent Company the Company had been a party thereto or bound thereby or entitled to the benefit thereof; but nothing in this order or done thereunder shall prejudice or affect the right of the Company to terminate any such contract or agreement at such time and in such manner as it might have been terminated if this order had not been made.

Saving of contracts.

11. All rents, rates and charges and other sums and debts at the date of amalgamation due and payable or accruing due and payable to the South Kent Company shall be payable to and may be collected, recovered and enforced by the Company in the same manner and with and by the same benefits and processes as those with and by which the South Kent Company might have collected, recovered and enforced them and shall belong to the Company for their own benefit.

Collection of outstanding debts.

12. The Company shall take over, bear, pay and discharge all debts and liabilities of the South Kent Company in respect of the South Kent undertaking which are outstanding on the date of amalgamation, and the Company shall observe and perform all obligations attaching to the South Kent Company at the said date.

Transfer of liabilities.

13. All books and documents which, if this order had not been made, would have been evidence in respect of any matter for or against the South Kent Company in relation to the South Kent undertaking shall on and after the date of amalgamation be admitted in evidence in respect of the same or the like matter for or against the Company.

Books &c. to remain evidence.

14. Within one month before the date of amalgamation the directors of the South Kent Company without first obtaining the sanction of that Company in General Meeting may pay, in respect of any part of a period of twelve months ending on the date of amalgamation, dividends at such rates as together with any dividends which have already been paid will not exceed in the case of—

Payment of dividends by South Kent Company.

- (a) the original ordinary shares of the South Kent Company entitled to a maximum dividend of ten per centum per annum, the rate of five and one quarter per centum per annum;

(b) the preference shares of the South Kent Company, the maximum preferential rates of dividend assigned to those shares respectively.

As to
directors of
South Kent
Company.

15. The directors of the South Kent Company who hold office on the date of amalgamation shall retire from office as from that date.

As to
officers and
employees of
Company
and
South Kent
Company.

16.—(1) The Company shall continue to employ as from the date of amalgamation Horace David Edwards, William Angus Parker and William Stotesbury (being respectively the Secretary, the Engineer and the General Manager of the Company as well as of the South Kent Company), if still holding those respective offices at that date and willing to continue in the service of the Company, on the terms and conditions of their respective contracts with the said two companies existing on the date of amalgamation.

(2) The Company shall also take over and employ as from the date of amalgamation any other employees of the South Kent Company who shall be willing to enter the service of the Company at rates of remuneration not less favourable than those which they were receiving from, and otherwise on the same terms and conditions as those on which they were employed by, the South Kent Company on the date of amalgamation or at such other rates of remuneration and on such other terms and conditions as may be agreed between the Company and such respective employees.

As to
pensioners of
South Kent
Company.

17. The Company shall as from the date of amalgamation continue to pay the ex gratia pensions paid by the South Kent Company immediately before that date to former employees of that Company.

As to
outstanding
transfers.

18. All transfers or other dispositions of any original ordinary shares or preference shares in or debenture stock of the South Kent Company made but not registered prior to the issue to the holders thereof respectively of the certificates for ordinary shares or preference shares in or debenture stock of the Company to which those holders are respectively entitled under the foregoing provisions of this order shall notwithstanding this order be valid and have due effect given to them respectively as transfers or dispositions of the respective numbers of ordinary shares or preference shares in or respective amounts of debenture stock of the Company which represent the original ordinary shares or preference shares or debenture stock as the case may be in or of the South Kent Company thereby expressed to be transferred or disposed of and are or may be substituted for the same under the provisions of this order notwithstanding that the instrument transferring or disposing thereof may describe them as original ordinary shares or preference shares in or debenture stock of the South Kent Company.

Rights of
holders of
substituted
securities.

19.—(1) Subject to the provisions of this order, any ordinary or preference shares or debenture stock issued to the holders of original ordinary or preference shares or debenture stock of the South Kent Company in pursuance of this order shall be held in the same rights, on the same trusts and subject to the same powers, provisions, charges and liabilities as those in or subject to which the shares or debenture stock of the South Kent Company were held immediately before the date of amalgamation, and so as to give effect to and not to revoke any deed, will or other instrument or testamentary or other disposition

disposing of or affecting the said shares or debenture stock, and every such deed, will, instrument or disposition shall take effect with reference to the whole or a proportionate part, as the case may be, of the said shares or debenture stock.

(2) Any bequest of or any covenant or provision of any deed, will or other instrument relating to any specific number of or nominal amount of original ordinary or preference shares in the capital of the South Kent Company or any specific amount of debenture stock of the South Kent Company shall be held to apply to the ordinary or preference shares or debenture stock of the Company which under the provisions of this order are issued in substitution for such specific number or nominal amount of shares in the capital of the South Kent Company or to the like amount of the said debenture stock, as the case may be.

(3) Trustees, executors and administrators and all other persons in any representative or fiduciary capacity and persons under disability may and shall accept the shares or debenture stock of the Company issued to them in pursuance of this order in all respects as they might have held, disposed of or otherwise dealt with the original ordinary or preference shares or debenture stock of the South Kent Company for which such shares or debenture stock are substituted.

20.—(1) The powers of the South Kent Company of raising capital by the creation and issue of ordinary shares or preference shares remaining unexercised at the date of amalgamation shall be exercisable by the Company, and the shares created by virtue of this section shall be and form part of the share capital of the Company.

As to unexercised capital powers of South Kent Company.

(2) The Company shall not issue any share under the authority of this section of less nominal value than ten pounds, and it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of capital than shall, after taking into account the premiums or discounts (if any) which may be obtained or allowed on the issue thereof, be sufficient to produce the sum of three thousand seven hundred and nineteen pounds.

21.—(1) The Company may at any time borrow on mortgage of the undertaking in respect of the capital of the Company issued prior to the first day of January nineteen hundred and forty-eight, and without obtaining the certificate of a justice under the Companies Clauses Consolidation Act, 1845, any sum or sums not exceeding (including any money borrowed on mortgage or raised by the creation and issue of any debenture stock before the said date and outstanding at the date or respective dates on which the Company may exercise the powers of this sub-section) the total sum of two hundred and eighty-two thousand seven hundred and eleven pounds.

Power to borrow.

8 & 9 Vict. c. 16.

(2) The power of borrowing conferred by sub-section (1) of this section shall supersede any powers conferred by the Mid Kent Acts and Orders, 1898 to 1936, of borrowing in respect of the capital of the Company so issued as aforesaid so far as those powers have not already been exercised.

(3) The Company may also without further or other authority at any time after the date of amalgamation borrow on mortgage of the undertaking in respect of the share capital created by virtue of section 5 of this order any sum or sums not exceeding in the whole twenty-seven thousand five hundred pounds.

(4) The Company may also subject to the provisions of this order borrow on mortgage of the undertaking in respect of the share capital of the Company issued after the said first day of January (including any capital issued by virtue of section 20 of this order but excluding the capital created by virtue of section 5 of this order) any sum or sums not exceeding in the whole fifty per centum of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such share capital ; but no sum shall be borrowed in respect of any such share capital until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act, 1845, that the whole of the amounts payable in respect of such share capital together with the premiums (if any) realised on the sale thereof has been fully paid up.

Debenture stock.
26 & 27 Vict.
c. 118.
61 & 62 Vict.
c. ccxxiii.

22. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act, 1863, as amended in its application to the Company and of section 36 of the Mid Kent Water Act, 1898 (which regulates the priority of interest payable on debenture stock and mortgages created and issued by the Company).

Limit of interest on borrowed money.

23. The Company shall not without the consent of the Minister of Health pay interest at a higher rate than five pounds per centum per annum in respect of any money borrowed or any debenture stock issued after the date of this order.

Existing mortgages to have priority.

24. All mortgages granted by the Company in pursuance of or in conformity with any Act or order before the date of this order and subsisting at the said date shall, during the subsistence of such mortgages and subject to the provisions of the Act or order in pursuance or in conformity with which the same were granted, have priority over any mortgages granted under the authority of this order, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of money.

25.—(1) All money raised under the Mid Kent Water Acts and Orders, 1888 to 1949, including premiums shall be applied only to purposes to which capital is properly applicable.

(2) The Company may apply to any of the purposes of this order to which capital is properly applicable any money which they have raised under the Mid Kent Water Orders, 1888, 1890 and 1895, and the Mid Kent Water Acts and Orders, 1898 to 1936.

Saving of existing capital powers.

26. The powers of the Company remaining unexercised at the date of amalgamation of raising capital shall not be affected by the creation of shares by virtue of this order but shall continue to be exerciseable as if this order had not been made.

Officers of South Kent Company accountable for books.

27. All officers and persons who at the date of amalgamation have in their possession or under their control any books deeds plans reports documents papers moneys or effects relating to or forming part of the South Kent undertaking, or to which the South Kent Company would but for the transfer of the South Kent undertaking to the Company have been entitled, shall be liable to account for and deliver them up to the Company or to such persons as the Company may appoint to receive them, and subject to the same consequences on refusal or neglect as if they had been appointed by and become possessed thereof for the Company.

28. Notwithstanding anything in the Companies Clauses Acts, 1845 to 1889, it shall not be obligatory on the Company to keep registers of transfers of ordinary shares or stock preference shares or stock debenture stock and mortgages respectively so long as the Company in lieu of those registers shall keep a file of all transfers and evidences of transmission of any ordinary shares or stock preference shares or stock debenture stock or mortgages of the Company which are sent to them for registration in accordance with the provisions of those Acts.

Register of transfers.

29.—(1) The directors may close the register of transfers of ordinary shares or stock and preference shares or stock of any class or any file of such transfers kept by the Company in lieu of any such register in pursuance of section 28 of this order for a period not exceeding fourteen days previous to the payment of any dividend on any such shares or stock, and may close the register of transfers of debenture stock or mortgages of the Company of any class or any file of such transfers kept by the Company in lieu of any such register in pursuance of the said section for a period not exceeding fourteen days previous to the payment of any interest on any such debenture stock or mortgages, and the directors may in any such case fix a day for the closing of any register or file which they are authorised to close under the provisions of this section. Seven days' notice of the closing of any such register or file shall be given by advertisement in some newspaper published and circulating within the limits of supply.

Closing of transfer books.

(2) Any transfer of any ordinary shares or stock preference shares or stock or debenture stock or mortgages lodged for registration with the Company while the register or file of transfers relating to shares or stock or debenture stock or mortgages of the same class is so closed shall as between the Company and the person claiming under the transfer but not otherwise be considered as made subsequently to the payment of any such dividend or interest.

30. On and after the date of amalgamation the limits of supply shall include the added limits and the provisions of the Mid Kent Water Orders, 1888, 1890 and 1895, and the Mid Kent Water Acts and Orders, 1898 to 1936, shall with any necessary modifications and subject to the provisions of and as amended by this order apply and have effect within the added limits and subject as aforesaid the Company within the added limits shall have and may exercise all and the like powers rights privileges and authorities and shall be subject to the like duties and obligations as they now have and are subject to within the existing limits:

Extension of limits of supply.

Provided that section 33 of the Mid Kent Water Act, 1930 (which enables the Company to require the provision of cisterns for high level supplies) as amended by this order, shall not apply to premises situated in the added limits the erection of which was commenced before the thirtieth day of July nineteen hundred and thirty-nine.

20 & 21 Geo. 5. c. lxxxiv.

31.—(1) The South Kent Act and Orders, except the provisions thereof which are mentioned in the third schedule to this order shall as from the date of amalgamation be repealed.

Repeal of South Kent Act and Orders.

(2) The provisions of the South Kent Act and Orders which are mentioned in the third schedule to this order shall continue in force and apply to the Company as from the date of amalgamation, and as from that date the Company shall be subject to the obligations and may

exercise the rights imposed and conferred by the said provisions throughout the limits of supply in all respects as if the Company had been therein referred to instead of the South Kent Company:

Provided that—

- (i) the power of collecting, taking and using underground springs and waters conferred by paragraph (e) of section 24 of the Act of 1889 shall be exercised by the Company by means only of the well and pumping station by the said section authorised ;
- (ii) the provisions of section 42 of the Order of 1939 (which contains provisions for the protection of Kent County Council) as varied by an agreement dated the 26th day of July, 1939, between the South Kent Company and the Kent County Council shall extend and enure for the protection of that Council with respect to the exercise by the Company of the powers of the Mid Kent Water Acts and Orders, 1888 to 1949, affecting any county road and county bridge within the limits of supply subject to the substitution therein of references to the last mentioned Acts and Orders for the references therein to the South Kent Water Act and Orders, 1889 to 1939 ; and
- (iii) the provisions of section 25 of the Order of 1939 shall be modified and have effect as set out in Part II of the third schedule to this order.

Repeal of
certain
provisions of
Acts relating
to Company.

32. As from the date of amalgamation the provisions of the Acts relating to the Company which are mentioned in the fourth schedule to this order shall be repealed.

Amendment
of certain
provisions of
Acts relating
to Company.

33.—(1) As from the date of amalgamation the local enactments specified in the following provisions of this section shall be amended in accordance with those provisions.

3 & 4
Geo. 5.
c. xxxvi.

(2) In section 36 of the Mid Kent and East Kent District Water Act, 1913 (which provides that fittings shall not be subject to distress) the words “under the provisions of the Mid Kent Water Acts 1898 to 1913” shall be omitted.

61 & 62 Vict.
c. ccxxiii.

(3) In section 64 of the Mid Kent Water Act, 1898 (which provides as to the rates for supply by meter in certain cases) there shall be substituted for the words “the last preceding section” the words “the Mid Kent Water Acts and Orders, 1888 to 1949”.

20 & 21
Geo. 5.
c. lxxxiv.

(4) In section 33 of the Mid Kent Water Act, 1930 (which enables the Company to require the provision of cisterns for high level supplies) there shall be inserted after the word “below” the words “the draw-off level of”.

(5) In section 51 of the Mid Kent Water Act, 1930 (which relates to the creation and issue of redeemable preference shares or stock and debenture stock) there shall be substituted for the reference in subsection (5) to section 41 of that Act, a reference to section 90 of the North West Kent Joint Water Act, 1936.

(6) Section 30 of the Mid Kent Water Act, 1930 (which relates to the supply of water by measure) shall read and have effect as if among the sections of Acts therein specifically referred to there were included a specific reference to section 25 of the Order of 1939 as having effect by virtue of proviso (iii) to subsection (2) of section 31 of this order.

Saving for
powers of
Treasury.

34. It shall not be lawful to exercise the powers of borrowing or raising capital conferred by this order otherwise than in compliance with

the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

9 & 10
Geo. 6. c. 58.
Costs of
order.

35. All costs charges and expenses of and incidental to the application for this order and the preparation and making of this order shall be paid by the Company and may in whole or in part be defrayed out of revenue.

FIRST SCHEDULE

AN AGREEMENT made the thirty-first day of May One thousand nine hundred and forty-eight BETWEEN THE MID KENT WATER COMPANY (hereinafter referred to as "The Mid Kent Company") of the one part and THE SOUTH KENT WATER COMPANY (hereinafter referred to as "The South Kent Company") of the other part

Stamp
10/-.

Whereas the Mid Kent Company were incorporated by the Mid Kent Water Act 1898 and are authorised by the Mid Kent Water Acts and Orders 1898 to 1936 to supply water and are under those Acts and Orders supplying water within an area which comprises parts of the borough of Maidstone the urban districts of Ashford, of Sittingbourne and Milton and of Whitstable together with 149 parishes in the several rural districts of Bridge-Blean, Cranbrook, Dartford, Dover, East Ashford, Elham, Hollingbourn, Maidstone, Malling, Romney Marsh, Sevenoaks, Strood, Swale, Tenterden and West Ashford ; all in the County of Kent ;

And Whereas the South Kent Company were incorporated by the South Kent Water Act 1889 and are authorised by the South Kent Water Act and Orders 1889 to 1939 to supply and are under that Act and those Orders supplying water within an area which comprises a part of Tonbridge urban district together with the parishes of Chart Sutton Headcorn and Sutton Valence in the rural district of Hollingbourn ; Yalding (part) in the rural district of Maidstone ; East Peckham in the rural district of Malling ; Brenchley, Capel (part) Hadlow, Horsmonden, Lamberhurst and Pembury (part) in the rural district of Tonbridge in the said County ;

And Whereas the whole of the water which is distributed by the South Kent Company is supplied in bulk to that Company by the Mid Kent Company there being no other convenient source available to the South Kent Company and the undertakings of the two Companies have for many years past been carried on in close association and under common management ;

And Whereas the authorised capital of the South Kent Company amounts to ninety two thousand pounds of which shares to the nominal value of eighty five thousand four hundred and thirty pounds have been issued as follows :—

Description of capital	Dividend authorised	Amount
Original ordinary shares of ten pounds each	10 per centum maximum dividend	£ 52,000
Preference shares of ten pounds each	7 per centum preferential dividend	8,000
Preference shares of ten pounds each	5 per centum preferential dividend	25,430
		£85,430

And Whereas the South Kent Company have created and issued debenture stock amounting to eighteen thousand five hundred pounds and bearing interest as respects six thousand pounds part thereof at the rate of five per centum per annum and as respects twelve thousand five hundred pounds the remainder thereof at the rate of four per centum per annum ;

And Whereas subject as hereinafter mentioned the Mid Kent Company and the South Kent Company have agreed that their respective undertakings should be amalgamated and that such amalgamation should be effected in the manner hereinafter mentioned and upon and subject to the terms and conditions hereinafter contained.

NOW THEREFORE IT IS HEREBY AGREED as follows:—

1. In this Agreement unless the context otherwise requires—

“the intended Order” means the Order referred to in clause 11 of this Agreement;

“the date of amalgamation” means the first day of July the first day of October the first day of January or the first day of April whichever first occurs not less than three months after the date on which the intended Order comes into effect;

“the South Kent undertaking” means the whole undertaking of the South Kent Company including—

(a) all the lands buildings waterworks waters works machinery reservoirs mains pipes meters plant spare parts tools apparatus vehicles stock in trade stores furniture chattels effects deeds agreements contracts plans blue prints specifications engineer's opinions and reports books records vouchers letters and other documents belonging to the South Kent Company on the date of amalgamation:

(b) all bank balances and cash and other balances (including any balances of any reserved contingency or renewal funds and consumers' deposits) in the hands of the South Kent Company or in the hands of their bankers agents or servants on the date of amalgamation and investments and securities for money:

(c) all rates rents book debts and other sums of money which on the date of amalgamation are due or payable to or are accruing due to the South Kent Company:

(d) all assets rights powers easements interests and privileges vested in or which were enjoyed by the South Kent Company at the date of amalgamation:

(e) all other the real and personal property belonging to the South Kent Company on the date of amalgamation:

but subject (except as is in the intended Order otherwise expressly provided) to all debts liabilities and obligations of the South Kent Company which shall be subsisting at the date of amalgamation.

2. Subject as hereinafter provided the South Kent undertaking as it exists as a going concern on the date of amalgamation shall as on and from that date be amalgamated with the undertaking of the Mid Kent Company by a transfer to and vesting in the Mid Kent Company of the South Kent undertaking by virtue of the intended Order and without any further assurance.

3. As part of the consideration for the said amalgamation the Mid Kent Company shall as soon as reasonably practicable after the date of amalgamation and subject to the provisions of clause 7 of this Agreement issue—

(a) to the holders of original ordinary shares in the capital of the South Kent Company ordinary shares of ten pounds each (credited as fully paid up) of the Mid Kent Company entitled to a maximum dividend of seven per centum per annum to rank *pari passu* with the twenty seven thousand five hundred such shares in the Mid Kent Company already issued as follows (that is to say)—

to each holder of original ordinary shares in the capital of the South Kent Company for every such share held by him a ten pound ordinary share of the Mid Kent Company as aforesaid:

(b) to the holders of preference shares in the capital of the South Kent Company preference shares (credited as fully paid up) of the Mid Kent Company bearing interest at the rate of five per centum per annum or seven per centum per annum as follows (that is to say)—

(i) to each holder of preference shares to which a preferential dividend at the rate of five per centum per annum has been assigned for every such share held by him a ten pound preference share of the Mid Kent Company as aforesaid to which a preferential dividend at the rate of five per centum per annum has been assigned such last mentioned shares to rank *pari passu* with the seven thousand two hundred and fifty two such shares in the Mid Kent Company already issued ;

(ii) to each holder of preference shares to which a preferential dividend at the rate of seven per centum per annum has been assigned for every such share held by him a ten pound preference share of the Mid Kent Company as aforesaid to which a preferential dividend at the rate of seven per centum per annum has been assigned such last mentioned shares to rank *pari passu* with the two thousand such shares in the Mid Kent Company already issued.

4. As further part of the consideration for the said amalgamation the Mid Kent Company shall take over the debenture stock of the South Kent Company hereinbefore referred to and the same shall as from the date of amalgamation become and be debenture stock of the Mid Kent Company in all respects as if such stock had been created and issued by the Mid Kent Company.

5.—(1) The ordinary and preference shares of the Mid Kent Company to be issued to the holders of original ordinary and preference shares in the capital of the South Kent Company pursuant to clause 3 of this Agreement shall be and form part of the existing share capital of the Mid Kent Company and shall bear dividend as from the date of amalgamation.

(2) The interest on the debenture stock of the South Kent Company transferred to the Mid Kent Company pursuant to clause 4 of this Agreement shall as from the date of amalgamation rank *pari passu* with the interest on the debentures and debenture stock of the Mid Kent Company created under the authority of the Mid Kent Water Acts and Orders 1898 to 1936.

6. Notwithstanding the amalgamation hereby agreed to be made the directors of the South Kent Company may without the sanction of a general meeting of that Company declare and pay in respect of any period ending on the date of amalgamation for which no dividends have previously been paid dividends at such rates as they may determine not exceeding in the case of—

(a) the original ordinary shares of the South Kent Company entitled to a maximum dividend of ten per centum per annum at the rate of five and one quarter per centum per annum ; and

(b) the preference shares of the South Kent Company the maximum preferential rates of dividend assigned to those shares respectively.

7. For the purpose of facilitating the distribution of the ordinary and preference shares of the Mid Kent Company forming part of the consideration under this Agreement among the holders of original ordinary and preference shares of the South Kent Company the South Kent Company shall not less than twenty-one days before the date of amalgamation deliver to the Mid Kent Company a statement containing the names and addresses of such holders and the amount of such ordinary or preference shares of the Mid Kent Company of which each such holder is to be registered as the holder and the Mid Kent Company shall as soon as reasonably practicable after the date of amalgamation issue

and deliver to such holders the appropriate certificates made out in the respective names of such holders in exchange for their existing certificates of their holdings in the South Kent Company.

8. As remaining part of the consideration for the said amalgamation the Mid Kent Company shall take over bear pay and discharge all the debts and liabilities of the South Kent Company in respect of the South Kent undertaking which are outstanding on the date of amalgamation and the Mid Kent Company shall also observe and perform all obligations attaching to the South Kent Company at the said date.

9. On the date of amalgamation possession of the South Kent undertaking shall be given to the Mid Kent Company and the South Kent Company and all other necessary parties shall execute and do all such assurances and things for vesting the South Kent undertaking in the Mid Kent Company (if and so far as the same shall not be or become vested in the Mid Kent Company without any assurance by or in pursuance of the intended Order) and for giving to the Mid Kent Company the full benefit of this Agreement as shall be reasonably required by the Mid Kent Company.

10. The South Kent Company shall on the date of amalgamation or so soon thereafter as is reasonably practicable deliver to the Mid Kent Company all deeds agreements books plans reports descriptions of work vouchers letters and other records of the business and proceedings of the South Kent Company and originals of all other drafts or writings in the possession or under the control of the South Kent Company or their servants relating to the South Kent Company as the Mid Kent Company may reasonably require.

11. The Mid Kent Company shall as soon as reasonably practicable after the date of this Agreement take the proper steps to apply for and shall use their best endeavours to obtain an Order of the Minister of Health under the Water Act 1945 containing such powers and provisions as may be necessary—

- (1) to carry this Agreement into effect ;
- (2) to extend the limits for the supply of water by the Mid Kent Company so as to include the whole of the limits within which the South Kent Company are at the date of this Agreement authorised to supply water ;
- (3) to make applicable to such last mentioned limits the rates and charges for the supply of water which the Mid Kent Company are at the date of this Agreement authorised under the Mid Kent Water Acts and Orders 1898 to 1936 to levy and make for the supply of water within their limits of supply.

12. The Mid Kent Company shall include in the draft of the intended Order a provision that the Mid Kent Company shall take over as from the date of amalgamation the employees of the South Kent Company at remuneration not less favourable than that which they were receiving immediately before that date and shall be at liberty to include in the draft of the intended Order all such provisions as they may deem necessary or expedient for purposes other than those connected with the said amalgamation.

13. The South Kent Company shall at the request and at the cost of the Mid Kent Company aid and assist the Mid Kent Company in applying for the intended Order and so far as the Mid Kent Company may reasonably require shall by their officers and servants support such application by evidence or as the circumstances may require.

14. The Mid Kent Company shall at all times furnish to the South Kent Company full information and particulars concerning the progress of the application for the intended Order.

15.—(1) This Agreement is subject to such alterations as the Minister of Health or Parliament may think fit to make therein and to the intended Order being made and coming into effect.

(2) This Agreement is also conditional on the approval of the proprietors of the Mid Kent Company and the South Kent Company respectively in general meeting being obtained.

16. If this Agreement is not approved by the proprietors of the Mid Kent Company and the proprietors of the South Kent Company within three months after the date of this Agreement or within such extended period as may be agreed upon between the directors of the Mid Kent Company and the directors of the South Kent Company this Agreement shall become void and of no effect.

17. If the Minister of Health or Parliament seeks or seek to make any material alteration in the terms of this Agreement or in the draft of the intended Order affecting the subject matter of this Agreement and such alteration is not agreed to by the directors of the Mid Kent Company and the directors of the South Kent Company then either of the parties hereto may by notice in writing to the other (to be sent by registered post addressed to the Secretary of such other Company) withdraw from this Agreement and thereupon this Agreement shall become void and of no effect.

18. Any difference arising under this Agreement shall be referred to and determined by an arbitrator to be agreed upon between the parties to such difference or failing such agreement to be appointed on the application of either party by the President for the time being of the Society of Parliamentary Agents and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory modification or amendment thereof for the time being in force shall apply to such reference.

IN WITNESS whereof the Companies parties hereto have respectively caused their common seals to be hereunto affixed the day and year hereinbefore first written.

THE COMMON SEAL of the Mid Kent Water Company }
was hereunto affixed in the presence of



E. PACKHAM, *Chairman*.

H. D. EDWARDS, *Secretary*.

THE COMMON SEAL of the South Kent Water Company }
was hereunto affixed in the presence of



E. PACKHAM, *Chairman*.

H. D. EDWARDS, *Secretary*.

SECOND SCHEDULE

DESCRIPTION OF ADDED LIMITS

In the County of Kent—

So much of the urban district of Tonbridge as immediately before the coming into operation of the Kent Review Order 1934 formed part of the parish of Hadlow in the rural district of Tonbridge.

In the rural district of Hollingbourn—

The parishes of Chart next Sutton Valence, Headcorn and Sutton Valence.

In the rural district of Maidstone—

So much of the parish of Yalding as immediately before the coming into force of the Kent Review Order 1934 formed part of the parish of East Peckham in the rural district of Malling.

In the rural district of Malling—

The parish of East Peckham.

In the rural district of Tonbridge—

The parishes of Brenchley, Hadlow, Horsmonden and Lamberhurst ;

The parish of Capel except so much of the said parish as immediately before the coming into operation of the Kent Review Order 1934 formed parts of the parish of Tonbridge Rural in the rural district of Tonbridge and of the urban district of Southborough ;

So much of the parish of Pembury as is not included within the limits for the supply of water of the Mayor Aldermen and Burgesses of the borough of Royal Tunbridge Wells.

THIRD SCHEDULE

PART I.—PROVISIONS OF SOUTH KENT ACTS AND ORDERS SAVED FROM REPEAL

52 & 53 Vict.
c. cxxi.

The South Kent Water Act 1889—

Section 24 (Power to make waterworks) except paragraphs (B) and (C) ;

Section 51 (Representation of the Company in bankruptcy &c.) ;

Section 59 (For the protection of the Corporation of Tunbridge Wells).

2 & 3 Geo. 6.
c. xxxix.

The South Kent Water Order 1939 (confirmed by the Ministry of Health Provisional Order Confirmation (South Kent Water) Act, 1939)—

Section 6 (Power to hold and use or sell &c. lands) ;

Section 25 (Power to require supplies for refrigerating or water-softening apparatus &c. to be taken by meter) ;

Section 27 (As to net annual value of two or more buildings in one occupation) ;

Section 31 (Meters to measure water or detect waste) ;

Section 32 (Register of meters to be evidence) ;

Section 33 (Penalty for injuring water fittings &c. or for fraudulent use of water) ;

Section 34 (Byelaws for preventing waste of water &c.) ;

Section 35 (Power to undertakers to repair communication pipes) ;

Section 36 (Undertakers to connect communication and service pipes with mains) ;

Section 38 (Penalty for interference with valves and apparatus) ;

Section 41 (For protection of electricity undertakers) ;

Section 42 (For protection of Kent County Council) ;

Section 43 (Meetings of undertakers) ;

Section 44 (Notices of meetings) ;

Section 45 (Interim dividends and annual accounts) ;

Section 47 (Directors holding office under or contracting with undertakers) ;

Section 48 (Notice of candidature of or of opposition to re-election of director) ;

Section 49 (Auditors) ;

Section 52 (As to appointment of proxies) ;

Section 53 (Joint holders) ;

Section 54 (Power to grant pensions &c.) ;

Section 55 (Authentication and service of notices);
 Section 57 (Justices not disqualified);
 Section 59 (Recovery of penalties &c.);
 Section 60 (Recovery of demands).

PART II.—SECTION 25 OF THE SOUTH KENT WATER ORDER 1939 AS
 MODIFIED AND APPLIED TO THE COMPANY

25.—(1) Where a person who takes a supply of water for domestic purposes from the Company otherwise than by meter desires to use any of the water so supplied for operating—

Power to
 require supplies
 for water
 softening
 apparatus to be
 taken by meter.

(a) any apparatus depending while in use upon a supply of continuously running water; or

(b) any apparatus used for softening water which requires water for cleaning regeneration motive power or similar purposes;

the Company may require that all water so used shall—

(i) be taken by meter and paid for accordingly at the rates for the time being in force under section 64 of the Mid Kent Water Act, 1898, as having effect by virtue of, or by an order made under section 6 of the Mid Kent Water Order, 1920, and in that event the minimum quarterly charge for the water shall be fifteen shillings; or

(ii) be paid for at a reasonable rate to be determined in the case of dispute by a court of summary jurisdiction:

Provided that no charge shall be made under this section in respect of a water softening apparatus used within a house for which the supply of water is taken if one such apparatus only is used and if the water softened thereby can be drawn off into a receptacle at one point only and is used solely for domestic purposes.

(2) The procedure for the determination of disputes provided for by this section shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

FOURTH SCHEDULE

PROVISIONS OF ACTS RELATING TO THE COMPANY REPEALED

The Mid Kent Water Act 1898—

Section 59 (Company may lease &c. spare lands of undertaking. Reservation of water rights &c. on sale);

So much of section 61 (Rates for supply for domestic purposes) as authorised the Company to demand and take additional rates and charges for a supply of water for domestic purposes at a higher level than that defined in the said section;

Section 74 (Form and service of Notices by Company);

Section 78 (Liability to water rent not to disqualify justices &c.).

61 & 62 Vict.
 c. ccxxiii.

The Mid Kent and East Kent District Water Act 1913—

Section 29 (Byelaws for preventing waste &c. of water);

Section 30 (Detection of waste);

Section 37 (Register of meter to be evidence);

Section 38 (Injuring meters &c.);

Section 40 (For protection of Kent County Council);

So much of section 55 (Agreements between Mid Kent Company East Kent Company and South Kent Company) as relates to the South Kent Company;

Section 73 (Contracts not to disqualify for office of director).

3 & 4 Geo. 5
 c. xxxvi.

13 & 14 Geo. 5. The Mid Kent Water Act 1923—
c. lxxix.

Section 22 (Interference with valves pipes and fittings) ;

Section 24 (For prevention of waste of water) ;

Section 25 (Guarantees by district council) ;

Section 26 (Power to local authorities to guarantee on behalf of owners and occupiers) ;

Section 33 (Power to make superannuation and other allowances) ;

Section 34 (Power to directors to make donations &c.) ;

Section 35 (Auditors) ;

Section 37 (Notice of candidature of or opposition to re-election of director).

18 & 19 Geo. 5. The Mid Kent Water Act 1928—
c. xxxii.

Section 15 (Company to connect communication pipes with mains) ;

Section 17 (Extension of section 60 of Waterworks Clauses Act 1847) ;

Section 19 (Liability to water rate not to disqualify justices) ;

Section 20 (Closing of transfer books &c.) ;

Section 25 (Recovery of penalties &c.) ;

Section 26 (Recovery of demands).

20 & 21 Geo. 5. The Mid Kent Water Act 1930—
c. lxxxiv.

Section 22 (For protection of Kent County Council) ;

Section 31 (As to net annual value of two or more houses in one occupation).

Given under the official seal of the Minister of Health this twenty-second day of February nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Derwent Valley Water Order, 1949

Made - - - - 28th February, 1949
Coming into Operation 28th February, 1949

M.H. 108862.

The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

8 & 9 Geo. 6.
c. 42.

1. This order may be cited as the Derwent Valley Water Order, 1949.

Citation.

2. As from the date of the coming into operation of this order sections 7, 18, 24 and 25 of the Derwent Valley Water Act, 1899, shall respectively be amended as follows:—

Amendment
of sections 7,
18, 24 and 25
of Derwent
Valley Water
Act, 1899.
62 & 63 Vict.
c. cclxix.

(1) The said section 7 (which so far as is material provides for the appointment of members of the Board by the constituent authorities at their quarterly meetings in November in each year, or in the case of the county council in October) shall have effect as if the following paragraph were substituted for the paragraph in that section which begins with the words “Subsequent members” and ends with the words “the month of October”, that is to say:—

“Members of the Board representing each of the constituent authorities shall in the year one thousand nine hundred and forty-nine and in each succeeding year be appointed by that constituent authority at their annual meeting held in that year”.

(2) The said section 18 (which provides for the appointment by the Board of a chairman and a deputy-chairman at a meeting to be held in November each year) shall have effect as if the following words were substituted for the words from the beginning to “each year”, that is to say:—

“At a meeting to be held in the month of May in the year one thousand nine hundred and forty-nine and in each subsequent year”.

(3) The said section 24 (which provides for the appointment of auditors) shall have effect as if the following subsection were substituted for subsection (2) thereof, that is to say:—

“(2) Each of the constituent authorities shall at their annual meeting held in the year one thousand nine hundred and forty-nine and in each succeeding year appoint one of the auditors to hold office until the date of the next following annual meeting of that constituent authority.”

(4) The said section 25 (which provides for the appointment of a standing arbitrator by the Board at their first meeting in each year) shall have effect as if the following words were substituted for the words from the beginning to “each year”, that is to say:—

“At a meeting to be held in the month of May in the year one thousand nine hundred and forty-nine and in each subsequent year”.

Given under the official seal of the Minister of Health this twenty-eighth day of February, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND AND WALES

The Mid-Glamorgan Water Order, 1949

Made - - - - 25th February, 1949

Coming into Operation 25th February, 1949

1251W.

8 & 9
Geo. 6. c. 42.

The Minister of Health in exercise of the powers conferred on him by section 23 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows :—

Short and
collective
titles.

1.—(1) This order may be cited as the Mid-Glamorgan Water Order, 1949.

10 & 11
Geo. 5.
c. cxxvii.
11 & 12
Geo. 5,
c. xxxiv.
15 & 16
Geo. 5.
c. xcix.
18 & 19
Geo. 5.
c. lviii.
23 & 24
Geo. 5. c. lxi.

(2) The Mid-Glamorgan Water Acts, 1920 to 1925, the Mid-Glamorgan Water Order, 1928 (confirmed by the Ministry of Health Provisional Orders Confirmation (No. 11) Act, 1928), the Mid-Glamorgan Water Board (Increase of Membership) Order, 1932, the Mid-Glamorgan Water Order, 1933 (confirmed by the Ministry of Health Provisional Order Confirmation (Mid-Glamorgan Water Board) Act, 1933), the Mid-Glamorgan Water Board (Increase of Membership) Order, 1942, the Mid-Glamorgan Water Board (Port Talbot Borough Supply) Order, 1947, and this order may be cited together as the Mid-Glamorgan Water Acts and Orders, 1920 to 1949.

Application
of certain
provisions of
the Water
Act, 1945.

2. For the purposes of this order the provisions of the Third Schedule to the Water Act, 1945, which are set out in the first column of the second schedule to this order shall, subject to the modifications set out in the second column thereof, apply to the undertaking.

Interpreta-
tion.

3. In this order, unless the context otherwise requires—

“the Undertakers” means the Mid-Glamorgan Water Board ;

“the undertaking” means the water undertaking of the Undertakers as for the time being authorised by any enactment ;

“enactment” has the same meaning as in the Water Act, 1945 ;

“the Minister” means the Minister of Health ;

“the map” means the map prepared in duplicate, sealed with the official seal of the Minister and marked “Map referred to in the Mid-Glamorgan Water Order, 1949”, one copy of which has been deposited in the offices of the Welsh Board of Health and the other in the offices of the Undertakers ;

“the existing shafts” means the shafts, wells, bores, adits, tunnels, underground bulkheads and headings existing at the date of the coming into operation of this order on or under the land described in the first schedule to this order.

4.—(1) When they shall have acquired the land described in the first schedule to this order the Undertakers may—

- (a) continue and maintain the existing shafts ;
- (b) on and under the said land make and maintain a pumping station (hereinafter referred to as “the Llanharry Pumping Station”) and all such shafts, wells, bores, headings, underground bulkheads and adits as may be necessary and expedient for augmenting or improving the supply of water obtainable by means of the Llanharry Pumping Station.

(2) The existing shafts, the Llanharry Pumping Station and any well, bore, heading, bulkhead or adit constructed in pursuance of this order shall for all purposes be deemed to form part of the undertaking.

5. The Undertakers may take for the purposes of the undertaking any underground water (not being water flowing in a defined channel) which may be intercepted by the works authorised by this order. Power to take water.

6. Subsection (1) of section 33 of the Mid-Glamorgan Water Act, 1920 (which provides that the Undertakers shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in that or some other Act of Parliament) shall have effect for the purposes of this order as if there were added at the end thereof the words “or an order made under an Act of Parliament”. Amendment of section 33 of Mid-Glamorgan Water Act, 1920.

7. For the purposes of this order, the provisions of Part IX of the Local Government Act, 1933, relating to the borrowing of money by a local authority shall so far as applicable extend and apply to the Undertakers as if they were a local authority within the meaning of that Act. Power to borrow. 23 & 24 Geo. 5. c. 51.

8.—(1) In this section :—

“domestic purposes” means all purposes incidental to the occupation of a dwellinghouse or farmhouse (excluding farm buildings occupied in connection therewith), and

For protection of Llanharry pumping station.

“agricultural purposes” includes—

- (a) all purposes for which water is ordinarily used by an occupier of lands in the carrying on of agricultural dairying and market gardening operations on such lands ; and
- (b) industrial or manufacturing purposes connected with the growing produce of lands which are situate within the area referred to in subsection (2) of this section.

(2) Subject to the following provisions of this section, no person shall in any land which is situate within the area delineated and shown edged red on the map—

- (a) construct any well or other work for the purpose of abstracting underground water, or
- (b) extend any existing well or other work for the purpose of abstracting additional quantities of underground water,

without the consent of the Undertakers.

(3) The last foregoing subsection shall not apply to—

(a) the construction or extension of any well or other work by any individual for the purpose of abstracting underground water solely and to the extent necessary for—

(i) the domestic purposes of his household or his agricultural purposes ;

(ii) the purposes, being domestic purposes or the purposes which are referred to in paragraph (a) of the foregoing definition of “ agricultural purposes ”, for which a supply was given by him to any person at the date of the coming into operation of this order ;

(b) any experimental boring required in connection with any such construction as is referred to in paragraph (a) of this subsection.

(4) No person shall, in any such land as aforesaid, abstract underground water from—

(a) any well or other work constructed or extended in contravention of subsection (2) of this section ;

(b) any well or other work the construction or extension of which was made lawful by the last foregoing subsection, except for the purpose for which it was constructed or extended ; or

(c) any boring or other work constructed or extended after the coming into operation of this order for any purpose other than the abstraction of underground water ;

without the consent of the Undertakers.

(5) A consent required for the purposes of this section shall not be unreasonably withheld and may be given with or without conditions, and any question whether or not consent is unreasonably withheld or whether or not any condition attached to a consent is unreasonable shall be referred to the Minister.

(6) The foregoing provisions of this section shall not apply to any land at any time when an order is in force under section 14 of the Water Act, 1945, defining an area which includes that land.

FIRST SCHEDULE

LAND ON WHICH WORKS MAY BE CONTINUED OR CONSTRUCTED AND MAINTAINED UNDER THIS ORDER

Land in the parish of Llanharry in the rural district of Cowbridge in the county of Glamorgan, belonging or reputed to belong to the Glamorgan Hematite Iron Ore Company Limited and agreed to be conveyed by them to the Undertakers, comprising the enclosures numbered 223, 224, 225, 231, 232 and 233 in the said parish on the ordnance survey map (scale 1/2500) Glamorgan sheet XLI-3 (edition of 1919), and containing in the whole approximately 15.898 acres.

SECOND SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO THE WATER ACT, 1945, APPLIED

Provisions applied	Modifications
Section 4 (general power to construct subsidiary works).	For the words from the beginning of the section to the words "abstract water" there shall be substituted the words "Subject to the provisions of subsection (1) of section 33 of the Mid-Glamorgan Water Act, 1920"; and for the words "any land for the time being held by them in connection with their water undertaking" there shall be substituted the words "the land described in the special Act".
Section 5 (power of undertakers to lay or erect telephone wires, etc.).	—
Section 6 (penalty for obstructing construction of works).	—
Part IV (minerals underlying waterworks).	In section 12, for the words "after this section is incorporated with their enactments" there shall be substituted the words "under the special Act"; for the words "all existing pipes or other conduits for the collection, passage or distribution of water and underground works belonging to them" there shall be substituted the words "all such pipes or other conduits or underground works"; and the words "for the time being belonging to them" shall be omitted.
Section 19 (power to lay mains) . .	The words "and also, subject to the provisions of the next succeeding section, outside those limits" shall be omitted.
Part VI (breaking open streets, etc.)	—
Section 91 (mode of reference to arbitration).	—
Section 94 (copies of special Act to be kept by undertakers in their office, and deposited with certain officers).	—

Given under the official seal of the Minister of Health this twenty-fifth day of February nineteen hundred and forty-nine.

(L.S.)

Geoffrey Crawshay,
Chairman,
Welsh Board of Health.

1949 No. 408

WATER, ENGLAND

The South East Yorkshire Area (Conservation of Water) Order, 1949

Made - - - - - 1st February, 1949

Coming into Operation 9th March, 1949

M.H.108749.

The Minister of Health, in exercise of the powers conferred on him by section 14 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the South East Yorkshire Area (Conservation of Water) Order, 1949.

2. The area consisting of the districts and parts of districts specified in the schedule to this order is hereby defined as an area to which the provisions of section 14 of the Water Act, 1945, are to apply.

SCHEDULE

Districts and parts of districts comprised in the Area

The county borough of Kingston upon Hull:

In the county of York, East Riding—

the boroughs of Beverley, Bridlington, and Hedon ;

the urban districts of Driffield, Haltemprice, and Hornsea ;

the rural district of Beverley, except the parishes of Brantingham, Ellerker, Elloughton, Newbald and South Cave ;

the rural district of Bridlington, except the parishes of Burton Fleming, Folkton, Hunmanby, Muston, Rudston, Thwing and Wold Newton ;

the rural district of Driffield, except the parishes of Cottam, Fimber, Fridaythorpe, Kilham, Langtoft, North Dalton, Sledmere, Tibthorpe and Wetwang ;

the rural district of Holderness, except the parishes of Aldbrough, Burstwick, Burton Pidsea, Easington, East Garton, Elstronwick, Halsham, Hollym, Holmpton, Humbleton, Keyingham, Mappleton, Ottringham, Patrington, Paull, Rimswell, Roos, Skeffling, Sunk Island, Thorngumbald and Welwick.

Given under the official seal of the Minister of Health this first day of February, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

(a) 8 & 9 Geo. 6. c. 42.

(b) 52 & 53 Vict. c. 63.

WATER, ENGLAND

The Warwick Area (Conservation of Water) Order, 1949

Made - - - - 1st February, 1949

Coming into Operation 9th March, 1949

M.H.107585.

The Minister of Health, in exercise of the powers conferred on him by section 14 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the Warwick Area (Conservation of Water) Order, 1949.

2. The area consisting of the districts and parts of districts specified in the schedule to this order is hereby defined as an area to which the provisions of section 14 of the Water Act, 1945, are to apply.

SCHEDULE

Districts and parts of districts comprised in the Area

The county boroughs of Birmingham and Coventry.

In the county of Leicester—

the urban district of Hinckley ;

the rural district of Ashby-de-la-Zouch, except the parishes of Cole Orton, Osgathorp, Ravenstone with Snibstone, Staunton Harrold, Swannington and Worthington

the rural district of Market Bosworth, except the parishes of Bagworth, Desford, Groby, Markfield and Ratby.

In the county of Warwick—

the boroughs of Nuneaton, Royal Leamington Spa, Stratford-on-Avon, Sutton Coldfield and Warwick ;

the urban districts of Bedworth, Kenilworth and Solihull ;

in the rural district of Alcester, the parishes of Aston Cantlow, Moreton Baggot, Oldberrow and Studley ;

the rural districts of Atherstone, Meriden, Tamworth and Warwick ;

in the rural district of Rugby, the parishes of Ansty, Binley, Brandon and Bretford, Brinklow, Burton Hastings, Combe Fields, Ryton upon Duns-
more, Shilton, Stretton Baskerville, Withybrook and Wolvey ;

the rural district of Stratford-on-Avon, except the parishes of Billesley, Binton, Combroke, Compton Verney, Dorsington, Kineton, Temple Grafton and Welford-on-Avon.

In the county of Worcester—

the boroughs of Bewdley, Droitwich, Halesowen, Kidderminster, Oldbury and Stourbridge ;

the urban districts of Bromsgrove, Redditch and Stourport-on-Severn ;

the rural district of Bromsgrove ;

(a) 8 & 9 Geo. 6. c. 42.

in the rural district of Droitwich, the parishes of Dodderhill, Doverdale, Elmbridge, Elmley Lovett, Hampton Lovett, Hartlebury, Martin Hussingtree, North Claines, Ombersley, Salwarpe, Upton Warren and Westwood Park ;

the rural district of Kidderminster, except the parishes of Rock and Upper Arley ;

in the rural district of Martley, the parishes of Astley, Great Witley, Grimley, Hillhampton, Holt, Kenswick, Little Witley, Martley, North Hallow, Shrawley and Wichenford.

Given under the official seal of the Minister of Health this first day of February, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

**The Stafford and Derby Area (Conservation of Water)
Amendment Order, 1949**

<i>Made - - - -</i>	<i>4th February, 1949</i>
<i>Coming into Operation</i>	<i>15th March, 1949</i>

M.H. 108283.

The Minister of Health, in exercise of the powers conferred on him by sections 14 and 50 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the Stafford and Derby Area (Conservation of Water) Amendment Order, 1949.

2. The area defined by the Stafford and Derby Area (Conservation of Water) Order, 1948(b), shall include the county borough of Smethwick and the urban district of Aldridge, and accordingly in the schedule to that order—

(a) the reference to the exception of the urban district of Aldridge shall be omitted; and

(b) after the word “ Derby ”, where it first appears, there shall be inserted the word “ Smethwick ”.

Given under the official seal of the Minister of Health this fourth day of February nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary
Ministry of Health.

(a) 8 & 9 Geo. 6. c. 42.

(b) S.I. 1948 No. 2454.

WATER, ENGLAND

The Heanor Water Order, 1949

Made - - - - 17th March, 1949

Coming into Operation 1st April, 1949

M.H. 108979.

8 & 9
Geo. 6. c. 42.

The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows :—

1. This order may be cited as the Heanor Water Order, 1949, and shall come into operation on the first day of April, 1949.

2. The local enactments specified in the schedule to this order, being enactments relating to water supply, the functions whereunder are vested in the Urban District Council of Heanor (hereinafter called “the Council”), are hereby repealed to the extent mentioned in the third column of the said schedule, to the intent that the water undertaking of the Council shall be carried on under the Public Health Act, 1936.

26 Geo. 5 &
1 Edw. 8.
c. 49.

SCHEDULE

LOCAL ENACTMENTS REPEALED

Session and Chapter or S.R.O. number	Short Title	Extent of Repeal
1 Edw. 7. c. ccl.	Ilkeston & Heanor Water Act, 1901.	Sections 80 to 84 so far as they relate to the Council; sections 85 to 89.
S.R.O. 1924 No. 758.	Heanor Water (Modification of Charges) Order, 1924.	The whole order.

Given under the official seal of the Minister of Health this seventeenth day of March, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Ilkeston Water Order, 1949

Made - - - - 17th March, 1949
Coming into Operation 1st April, 1949

M.H. 109017

The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

8 & 9
Geo. 6.
c. 42.

1. This order may be cited as the Ilkeston Water Order, 1949, and shall come into operation on the first day of April, 1949.

2. The local enactments specified in the schedule to this order, being enactments relating to water supply, the functions whereunder are vested in the Mayor, Aldermen and Burgesses of the Borough of Ilkeston (hereinafter called “the Corporation”), are hereby repealed to the extent mentioned in the third column of the said schedule, to the intent that the water undertaking of the Corporation shall be carried on under the Public Health Act, 1936.

26 Geo. 5 &
1 Edw. 8.
c. 49.

SCHEDULE

Local enactments repealed

Session and Chapter or S.R.O. No.	Short Title	Extent of Repeal
61 & 62 Vict. c. lxx.	Ilkeston Corporation Act, 1898.	Section 2; sections 5 to 23; sections 32 to 54 so far as they relate to the water undertaking of the Corporation.
1 Edw. 7. c. ccl.	Ilkeston and Heanor Water Act, 1901.	Sections 80 to 84, so far as they relate to the Corporation.
S.R. & O. 1923 No. 1041.	Ilkeston Water (Modification of Charges) Order, 1923.	The whole order.
—	Ilkeston (Water Charges) Order, 1947.	The whole order.

Given under the official seal of the Minister of Health this seventeenth day of March, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under-Secretary,
Ministry of Health.

WATER ENGLAND

The Burgess Hill Water Order, 1949

Made - - - - - 23rd March, 1949

Coming into Operation 23rd March, 1949

M.H. 108944.

8 & 9
Geo. 6. c. 42. The Minister of Health in exercise of the powers conferred on him by section 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation. 1.—(1) This order may be cited as the Burgess Hill Water Order, 1949.

(2) The Burgess Hill Water Acts and Orders, 1871 to 1947, and this order may be cited together as the Burgess Hill Water Acts and Orders, 1871 to 1949.

Interpretation. 2. In this order—

1 Edw. 8 & 1
Geo. 6. “the Act of 1937” means the Burgess Hill Water Act, 1937 ;

c. xxxiv. “the order of 1943” means the Burgess Hill Water (Extension of Time) Order, 1943 ; and

S.R. & O. 1943
No. 1060. “the order of 1946” means the Burgess Hill Water (Extension of Time) Order, 1946.

S.R. & O. 1946
No. 887.

Amendment of the Act of 1937. 3. Section 7 of the Act of 1937, so far as it relates to Works Nos. 1, 2 and 3 authorised by section 5 of that Act, and subsection (1) of section 24 of the Act of 1937, as amended by the order of 1943 and the order of 1946 (which provisions as so amended provide respectively as to the time for completion of the said works and as to the time after the expiration of which the local authority may supply certain parishes with water if the Company fail to provide a sufficient supply) shall have effect as though for the words “twelve years” therein there were substituted the words “fourteen years”.

Given under the official seal of the Minister of Health this twenty-third day of March nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Wey Valley Water Order, 1949

Made - - - - 24th March, 1949
Coming into Operation 24th March, 1949

M.H. 108928.

The Minister of Health, in exercise of the powers conferred on him by sections 9 and 23 of the Water Act, 1945, and of all other powers enabling him in that behalf hereby orders as follows:— 8 & 9 Geo. 6.
c. 42.

1.—(1) This order may be cited as the Wey Valley Water Order, 1949. Short and
collective
titles.

(2) The Wey Valley Water Acts and Orders, 1898 to 1940, and this order may be cited together as the Wey Valley Water Acts and Orders, 1898 to 1949.

2.—(1) The following enactments (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this order) are hereby incorporated with this order:— Incorporation
of
enactments.

(a) The Companies Clauses Consolidation Act, 1845, (except the provisions relating to the conversion of borrowed money into capital) ;

(b) Part I (relating to cancellation and surrender of shares), Part II (relating to additional capital), except the provisions thereof which limit the rate of dividend on preference capital, and Part III (relating to debenture stock) of the Companies Clauses Act, 1863, as amended by subsequent Acts.

(2) In the construction of the enactments so incorporated with this order the expression “special Act” shall be read as a reference to this order and the expression “undertakers” shall mean the Company.

(3) The Companies Clauses Act, 1863, as so incorporated shall have effect as if the words “and to the same amount as” in section 22 (which contains regulations as to the creation and issue of debenture stock) were omitted.

(4) The provisions of sections 74 and 75 of the Third Schedule to the Water Act, 1945, (which relate respectively to maximum rates of dividend and the sale of stock by auction or tender) shall apply to the Company’s undertaking, with the modification that in the said section 75 the word “stock” shall be construed as including shares.

3.—(1) In this order the several words and expressions to which meanings are assigned by the enactments incorporated with this order shall, unless the context otherwise requires, have the same respective meanings. Interpreta-
tion.

(2) In this order, unless the context otherwise requires—

“enactment” has the same meaning as in the Water Act, 1945 ;

“the Company” means the Wey Valley Water Company ;

“ the Council ” means the Urban District Council of Farnham ;

“ the scheduled agreement ” means the agreement set out in the first schedule to this order ;

“ the date of transfer ” means the twenty-fifth day of March, 1949 ;

“ the Farnham undertaking ” means the water undertaking of the Council as defined in clause 1 of the scheduled agreement ;

“ the Company’s undertaking ” means the undertaking of the Company as from time to time authorised ;

“ the added limits ” means so much of the urban district of Farnham as is not within the existing limits ;

“ the limits of supply ” means the limits within which the Company are for the time being authorised to supply water ;

“ the existing limits ” means the limits within which the Company are authorised to supply water under the existing Acts and Orders ;

“ the existing Acts and Orders ” means the Wey Valley Water Acts and Orders, 1898 to 1940.

Transfer of
Farnham
undertaking.

4. The Farnham undertaking shall, on the date of transfer, by virtue of this order be transferred to and vest in the Company upon the terms and conditions of the scheduled agreement, freed and discharged from all mortgages, charges and other securities for money granted by the Council and the principal moneys and interest thereby secured, except land tax and easements (if any) to which the Farnham undertaking shall be subject, and shall become part of the Company’s undertaking.

Saving of
pending
actions.

5. Any action, arbitration or other proceeding and any cause of action, arbitration or proceeding pending or existing on the date of transfer by or against or in favour of the Council shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer to the Company of the Farnham undertaking or of anything in this order, but may be continued, prosecuted and enforced by, against or in favour of the Company as and when it might have been continued, prosecuted and enforced by, against or in favour of the Council if this order had not been made, but not further or otherwise :

Provided that any rent, rate, charge or other sum payable to the Council before the date of transfer may be sued for and recovered by the Council in the same manner in all respects as it might have been sued for and recovered if this order had not been made.

Saving of
contracts.

6. All contracts, agreements, conveyances, deeds, leases, licences and instruments affecting the Council in respect of the Farnham undertaking and in force on the date of transfer (other than the scheduled agreement) shall as from that date be as binding and of as full force and effect against or in favour of the Company as if instead of the Council the Company had been a party thereto or bound thereby or entitled to the benefit thereof ; but nothing in this order or done thereunder shall prejudice or affect the right of the Company to terminate any such contract, agreement, deed, lease, licence or instrument at such time and in such manner as it might have been terminated if this order had not been made.

Maintenance
of wells and
pumping
station.

7. From and after the date of transfer the Company may continue and maintain the wells and pumping station in the urban district of Farnham in the county of Surrey in the enclosures numbered in the

said urban district 2240 and 2241 on the 1/2500 ordnance map Surrey sheet XXX. 6 (revision of 1934) for the purposes of the Company's undertaking and may extend, enlarge, alter and renew the said works in and under the said enclosures, and may take for the said purposes all or any of the waters which will or may be taken or intercepted by the said works or any of them.

8. From and after the date of transfer any mains, pipes and other works for the distribution of water already laid down in the added limits and transferred to them by or under this order shall for all purposes be deemed to have been laid down and constructed by the Company under the Acts and Orders from time to time relating to the Company.

As to mains, &c., transferred to Company under order.

9. The Company shall take over and employ as from the date of transfer such of the following officers and servants of the Council :—

Harry Beaumont (maintenance engineer and attendant),
John Chandler (pump attendant and meter inspector), and
Raymond Francis Green (apprentice),

As to certain officers and servants of Council.

as at that date shall be willing to enter the service of the Company, on terms and conditions not less favourable than those on which they are employed at the date of transfer.

10. As from the date of transfer the Company shall continue to pay to George Chandler the pension of one pound a week which was on and before that date payable to the said George Chandler by the Council by reason of his former service with the Council in respect of the Farnham undertaking.

As to payment of pension to George Chandler.

11. Any compensation payable to officers and servants of the Council under section 44 of the Water Act, 1945, in consequence of this order or anything done in pursuance thereof shall be payable—

Compensation to officers and servants.

(a) in the case of those mentioned in section 9 of this order, by the Company ;

(b) in any other case, by the Council.

12. The consideration money received by the Council in respect of the transfer of the Farnham undertaking to the Company in pursuance of clause 4 of the scheduled agreement shall be applied in such manner as the Minister of Health may approve towards the discharge of any debt of the Council, or otherwise to any purposes for which capital money may properly be applied.

Application of capital moneys by Council.

13.—(1) From and after the date of transfer the limits of supply shall be extended so as to include the added limits.

Extension of limits of supply.

(2) Except as by this order otherwise expressly provided, the provisions of the existing Acts and Orders shall, with any necessary modifications, apply and have effect in the added limits, and accordingly the Company within the added limits shall have and may exercise all and the like powers, rights, privileges and authorities and shall be subject to all and the like duties and obligations as they now have and are subject to within the existing limits :

Provided that section 83 of the Wey Valley Water Act, 1940, shall have effect as if in subsection (1) thereof (which prohibits the Company from selling or supplying water obtained by them under the provisions of the existing Acts and Orders outside, or for consumption

3 & 4 Geo. 6. c. xxxiii.

or use outside, the area therein referred to, except within the limits of supply as existing immediately after the passing of the said Act)—

(a) after the word “Orders” there were inserted the words “or from the works transferred to the Company by the Wey Valley Water Order, 1949”; and

(b) the reference to the limits of supply as existing immediately after the passing of the said Act included a reference to the added limits.

(3) The charges made by the Company for and in connection with the supply of water for domestic and all other purposes in the added limits shall be the same as those from time to time made for a corresponding supply within the remainder of the limits of supply of the Company.

As to
supplies in
added limits.

14.—(1) The Company shall not supply to consumers within the added limits any water having an iron content greater than five-tenths of one part per million.

(2) The pressure at which the supply of water is given by the Company to consumers within the added limits shall not materially exceed that afforded by gravitation from the Victoria reservoir of the Council.

(3) If the pressure of the water supplied by the Company to any consumer supplied by the Council at the date of transfer is greater than that imposed by the said Victoria reservoir and the greater pressure shall exceed that to which the consumer's pipes and fittings ought reasonably to be subjected, and undue leakage is caused thereby, the Company shall at their own expense renew such pipes and fittings either in whole or in part as may be reasonably necessary :

Provided that, in relation to the supply of water by the Company to consumers in the added limits who are supplied with water by the Council at the date of transfer by means of the existing booster at the said Victoria reservoir the provisions of this subsection shall not apply unless the pressure of the water supplied by the Company to those consumers is greater than was provided by means of the said booster, or exceeds sixty pounds per square inch, whichever is the higher.

Additional
capital.

15. The Company may from time to time raise additional capital not exceeding in the whole one hundred and sixty-six thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock wholly or partially by one or more of those modes respectively :

Provided that—

(a) the Company shall not issue any share of less nominal value than ten pounds ;

(b) it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of capital than shall, after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof, be sufficient to produce the sum of one hundred and sixty-six thousand pounds.

Power to
borrow.

16. The Company may, without obtaining any certificate of a justice under the Companies Clauses Consolidation Act, 1845, raise for the purposes of the Company's undertaking, by borrowing on mortgage of the Company's undertaking or by the creation and issue

of debenture stock, or partly by one of those modes and partly by the other, any sum or sums of money not exceeding in the whole one-half of the amount (including premiums and allowing for discounts) which for the time being has been raised by the Company by the creation and issue of new ordinary shares and stock and new preference shares and stock under the powers of this order.

17. The Company may apply to any purposes of this order to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the existing Acts and Orders. Power to apply funds.

18. The undermentioned sections of the existing Acts and Orders shall (subject to the provisions of this order) so far as applicable extend and apply to any new ordinary or new preference shares or stock (redeemable or irredeemable), debenture stock (redeemable or irredeemable), or mortgages created, issued or granted under the powers of this order, and to any moneys raised thereby, as though those sections with any necessary modifications were re-enacted in this order :— Application of sections of existing Acts and Orders.

Wey Valley Water Order, 1918—

section 21 (receipt in case of persons not sui juris) ;

Wey Valley Water Act, 1928—

section 44 (appointment of receiver) ;

Wey Valley Water Act, 1940—

section 58 (incidents of new shares or stock) ;

section 60 (restrictions as to votes in respect of preference shares or stock) ;

section 62 (debenture stock) ;

section 63 (priority of mortgages over other debts) ;

section 64 (priority of existing mortgages) ;

section 67 (limit of interest on moneys borrowed).

19. From and after the date of transfer the enactments specified in the second schedule to this order shall be repealed to the extent therein specified. Repeal.

FIRST SCHEDULE

AN AGREEMENT made the twenty first day of May One thousand nine hundred and forty eight between THE URBAN DISTRICT COUNCIL OF FARNHAM (hereinafter referred to as "the Council") of the one part and THE WEY VALLEY WATER COMPANY whose principal office is at 71 Castle Street Farnham in the County of Surrey (hereinafter referred to as "the Company") of the other part.

Whereas under the provisions of the Farnham Water Order 1886 the Wey Valley Frimley and Farnham Water Act 1898 and the Farnham Water Company Limited (Modification of Charges) Order 1922 the Council are supplying water within part of their district as the successors of the Farnham Water Company Limited whose undertaking was purchased by the Council under the provisions of Section 51 of the Public Health Act 1875.

And Whereas the Company were incorporated by the Wey Valley Frimley and Farnham Water Act 1898 and under the Wey Valley Water Acts and Orders 1898 to 1940 are now supplying water in an area which surrounds the limits of supply of the Council.

And whereas subject to authority being given by means of an Order of the Minister of Health under the Water Act 1945 the Council have agreed to sell and the Company have agreed to purchase the water undertaking of the Council upon the terms and subject to the conditions hereinafter mentioned.

Now it is hereby agreed and declared as follows (that is to say):—

1.—(1) The Council shall sell and the Company shall purchase for the consideration hereinafter mentioned the Undertaking as hereinafter defined freed and discharged from all mortgages charges and other securities for money granted by the Council and the principal moneys and interest thereby secured except land tax and easements (if any) to which the same may be subject.

(2) For the purpose of this Agreement the expression “the Undertaking” means the Water Undertaking of the Council as existing at the date of transfer as hereinafter defined including all lands and hereditaments held for the purposes of the Undertaking except those described in sub-clause (3) of this clause together with the wells and plant at the pumping station in Darvill’s Lane and the reservoir known as the Victoria reservoir on Firgrove Hill in Farnham aforesaid and including all plant mains services machinery pipes apparatus meters fixtures fittings and appliances loose stores tools stocks of coal and other stock in trade the rights powers and privileges of the Council in connection with the Undertaking so far as the same are capable of transfer to the Company the benefit and (subject as hereinafter provided) the liability in respect of all actions at the instance of the Council relative to the Undertaking and the benefit and liability of all contracts of sale purchase hire purchase or hire and of insurance or otherwise relating exclusively to the undertaking but the expression shall not include:—

- (a) cash in hand and at the bank and all balances and investments in connection with the undertaking and sinking and other funds ;
- (b) amounts due from consumers and debtors ;
- (c) assets and funds held by the administering authority of the superannuation fund applicable to certain of the Council’s employees ; and
- (d) the consideration payable by the Surrey County Council for the purchase of part of the site of the Darvill’s Lane pumping station already taken over for a highway improvement.

(3) There shall be excluded from the description of the undertaking contained in sub-clause (2) of this clause a piece of land having an area of Three roods and Six hundred and five square yards (adjoining the Victoria reservoir of the Council) bounded on the north east by Swingate Road and having a frontage thereto of Seventy one yards or thereabouts bounded on the north west by Old Farnham lane and having a frontage thereto of Fifty four yards or thereabouts measuring on the south west side thereof Seventy yards or thereabouts and measuring on the south east side thereof Fifty six yards or thereabouts which said piece of land was shown edged blue on a plan marked “WW/21/1” which was forwarded by the Council to the Company on the Thirtieth day of July One thousand nine hundred and forty seven.

(4) (a) The Company shall enter into an agreement with the Council for the possession and use by the Council of the piece of land having an area of .16 acre which was shown hatched pink on the said plan and the hutments erected thereon (now used as temporary housing accommodation) without rent for the period of Ten years from the date of transfer and afterwards if desired by the Council on a yearly tenancy without rent ;

(b) On the expiration of the tenancy referred to in paragraph (a) of this sub-clause the Council shall enter upon the said piece of land and shall remove any buildings works appliances and apparatus erected or provided thereon except such works appliances and apparatus as are used for water-works purposes and make good the fence abutting on Old Farnham Lane.

(5) (a) On or before the date of transfer the Council shall purchase from the Home Secretary the garages shown on the said plan and as from the date of transfer the Company shall enter into a similar agreement with the Council for the possession and use of the said garages with proper means of access thereto from the Odiham—Farnham—Shottermill Road (A 287) for the period of Ten Years from the date of transfer without rent the cost of maintaining the access road shall be borne equally between the parties hereto. The Council shall not sublet any of the garages without the written consent of the Company which consent shall not be unreasonably withheld ;

(b) On the expiration of the period referred to in paragraph (a) of this sub-clause the Council may and if so required by the Company shall remove the said garages.

2. Notwithstanding the transfer of the Undertaking to the Company nothing in this Agreement shall be construed so as to impose on or transfer to the Company any liability incurred by the Council before the date of transfer in respect of the Undertaking arising from any negligence default neglect or breach of statutory duty by the Council their officers servants or agents whether the claim in respect thereof be made before or after the date of transfer and the Council hereby agree that in the event of any such claim being preferred against the Company after the date of transfer they will indemnify the Company against any loss damage costs or expense which they may suffer or incur in respect of such claim.

Liabilities of
Council before
date of
transfer.

3.—(1) The transfer of the Undertaking from the Council to the Company shall take place on the Twenty fifth day of March or the Twenty ninth day of September whichever date shall first occur after the date of the Order of the Minister of Health confirming and giving effect to this Agreement (hereinafter referred to as “the Order”) which day is in this Agreement referred to as “the date of transfer”.

Date of
transfer.

(2) On the date of transfer possession of the Undertaking shall be given to the Company and the Council and all other necessary parties shall execute all such deeds and assurances and do all things necessary for vesting the Undertaking in the Company (if and so far as the same shall not be or become vested in the Company without any assurance by or in pursuance of the Order) and for giving to the Company the full benefit of this Agreement.

4.—(1) The consideration for the transfer to the Company of the Undertaking shall be the sum of fifty thousand pounds.

Price.

(2) If the sums payable by the Company to the Council under this clause and under clause 5 (Future capital expenditure) of this Agreement are not paid on the date hereinbefore fixed for payment thereof the Company shall pay to the Council interest thereon at the rate of Four per centum per annum from the date when payment became due to the actual date of payment less income tax at the standard rate then prevailing. Provided that interest shall not be payable by the Company in respect of any period of delay in the payment of the said sums which may be due to the wilful default of the Council in carrying out their obligations under this Agreement.

5.—(1) In addition to the sum referred to in clause 4 (Price) of this Agreement there shall be paid by the Company to the Council on the date of transfer any amount expended with the consent of the Company (which consent shall not be unreasonably withheld) by way of capital outlay in respect of the Undertaking between the Thirty first day of March One thousand nine hundred and forty five and the date of transfer. Provided that the consent of the Company shall not be necessary to any expenditure by way of capital outlay :—

Future
Capital
Expenditure.

- (a) incurred before the date of this Agreement ;
- (b) incurred by the Council in order to fulfil the Council’s statutory obligations in connection with the Undertaking subject (as regards

expenditure incurred after the date of this Agreement) to written notice being given to the Company by the Council before such expenditure is incurred ; or

- (c) in respect of the extension of water mains in order to permit of the supply of water to houses and other premises erected or to be erected on or in connection with any housing estate of the Council.

(2) In relation to any sum paid by the Company to the Council on the date of transfer under subclause (1) of this clause in respect of the extension of water mains in order to permit of the supply of water to premises on the estate known as the Guildford Road Trading Estate the Council shall pay to the Company on the Thirty first day of March in each year after the date of transfer up to and including the Thirty first day of March One thousand nine hundred and sixty :—

- (a) one-eighth part of the said amount ; after deducting
(b) the amount which would be received by the Company in respect of water supplied to premises on the said estate in the year to that date at the rates and charges for the time being in force for a corresponding supply within the remainder of the limits of supply of the Company.

Loans
charged on
undertaking.

6. The Council shall not at any time make default in the repayment of any moneys borrowed by them and outstanding at the date of transfer which are charged either on the revenue of the Undertaking or indifferently on all the revenues of the Council to the persons from whom such moneys were borrowed and shall at all times indemnify the Company against the same.

Application
of capital
moneys by
Council.

7. The Order shall contain a provision that the consideration money received by the Council in respect of the sale of the Undertaking to the Company in pursuance of the provisions of clause 4 (Price) of this Agreement shall be applied in such manner as the Minister of Health may approve towards the discharge of any debt of the Council or otherwise for any purposes for which capital money may properly be applied.

Apportionment
of receipts and
payments on
revenue
account.

8.—(1) The Council shall be entitled to all water rates rents profits and other moneys due or accruing due to the Council other than water rates or rents payable in advance in respect of the half year next succeeding the date of transfer (which shall belong to the Company) in respect of the undertaking at the date of transfer and shall pay and discharge all trading debts and liabilities on revenue account at the date of transfer and shall indemnify the Company therefrom and as from the date of transfer the Company shall be entitled to all such rates rents and profits Any necessary apportionments shall be made for the purposes of this clause.

(2) The Company shall at the expense of the Council take such steps as the Council may reasonably require to recover any such water rates rents profits and other moneys which may be outstanding on the date of transfer.

Title.

9. The Company shall without investigation or requisition accept the Council's title to all lands forming part of the undertaking.

Management
of undertaking
to day of
transfer.

10. From and after the date of this Agreement and until the date of transfer the Council shall maintain and keep the works forming part of the undertaking in proper and efficient condition and repair and maintain carry on and conduct the same in the same manner as such works have hitherto been maintained carried on and conducted by the Council in the ordinary course of business maintaining reasonable stocks of pipes meters fittings and appliances but as from the date of this Agreement and during the continuance thereof the Council shall not without the consent of the Company (which consent shall not be unreasonably withheld) enter into any contract (except ordinary contracts for the supply of water and for the sale hire hire-purchase or purchase of meters materials appliances and fittings) in respect of the undertaking the operation of which shall extend beyond the date of transfer.

Transfer of
documents.

11.—(1) Forthwith after the completion of the audit of the accounts of the Council in respect of the Undertaking for the financial year in which the date of transfer occurs the Council shall deliver to the Company

all books vouchers deeds agreements plans reports letters records and other documents having reference to the business and proceedings of the Council relating exclusively to the Undertaking (other than this Agreement and correspondence and other documents preliminary to and consequential thereon and other than books vouchers and documents relating to moneys borrowed by the Council) to all of which documents the Council as regards documents handed over and the Company as regards documents retained and the duly authorised representatives of both parties shall at all reasonable times have access and also power to make copies or extracts therefrom so far as may be reasonably necessary for the purposes of the Council or the Company as the case may be.

(2) The Company shall at all reasonable times have access to and shall also be entitled to make copies or extracts from any vouchers deeds agreements plans reports and other documents having reference to the business and proceedings of the Council relating partly to the Undertaking.

12. This Agreement is subject to and conditional upon an Order authorising the transfer of the Undertaking being made by the Minister of Health under section 9 of the Water Act 1945.

Agreement
subject to
Order being
made.

13. Subject to the approval of the Minister of Health the Order shall provide:—

Provisions
of Order.

(i) that the Undertaking shall vest in the Company as from the date of transfer freed and discharged from all mortgages charges and other securities for money granted by the Council and the principal moneys and interest thereby secured ;

(ii) that the limits of supply of the Company shall be extended so as to include the area in which the Council are now authorised to supply water and that the Acts and Orders relating to the Company shall apply to the added limits ;

(iii) that the charges made by the Company for and in connection with the supply of water for domestic and all other purposes in the area in which the Council are now authorised to supply water shall be the same as those from time to time made for a corresponding supply within the remainder of the limits of supply of the Company ;

(iv) that the Company shall not supply to consumers within the area in which the Council are now authorised to supply any water having an iron content greater than five tenths of one part per million and that the pressure at which the supply to consumers is given shall not materially exceed that afforded by gravitation from the existing reservoir of the Council ;

(v) that if the Company shall supply water to any consumer supplied by the Council at the date of transfer at a greater pressure than that imposed by the existing reservoir of the Council and such greater pressure shall exceed that to which such consumers' pipes and fittings ought reasonably to be subjected and undue leakage is caused thereby the Company shall at their own expense renew such pipes and fittings either in whole or in part as may reasonably be necessary. Provided that in relation to a consumer in the area known as "the high level zone" (now supplied by means of a booster) this provision shall only apply if the pressure of the supply to him is greater than that provided by the existing booster or Sixty pounds per square inch whichever is the higher ;

(vi) that the Company shall take into their employment as from the date of transfer on terms and conditions not less favourable than those on which they are then employed by the Council Harry Beaumont (maintenance engineer and attendant) John Chandler (pump attendant and meter inspector) and Raymond Francis Green (apprentice) and that section 44 of the Water Act 1945 shall apply to the said officers

and servants and any liability under the said section in respect of all other officers and servants of the Council employed exclusively or partly for the purposes of the undertaking shall be borne by the Council ;

- (vii) that the Company shall take over the responsibility of the Council for the payment of a pension of One pound a week to George Chandler who was previously employed by the Council for the purpose of the undertaking ;

Promotion
of Order.

14. The Company shall use their best endeavours to procure the making of the Order with such clauses as may be necessary to confirm this Agreement or to carry the same into effect and the Council shall at the reasonable request of the Company aid and assist the Company in applying to the Minister of Health for and obtaining the grant of such Order so far as it conforms with the terms of this Agreement and in the event of the Company deciding to proceed by a Bill in Parliament the Company shall pay to the Council any reasonable expenses the Council may incur at the request of the Company.

Superannuation.

15. The Company shall apply for and use their best endeavours to secure the retention in the Surrey County Council's Superannuation Scheme of Harry Beaumont and John Chandler the transferred employees of the Council who are already contributors thereto.

Determination
of Agreement.

16. In the event of the Order not being made on or before the Thirtieth day of September One thousand nine hundred and forty nine or of the Minister of Health or Parliament making any material alteration in this Agreement or the clauses in the Order or any Bill which the Company may promote to give effect thereto and such alteration not being agreed to by the Council and the Company either party shall be entitled by notice in writing given to the other of them after the said date or as soon as reasonably practicable after the parties have failed to agree in regard to such material alteration to cancel this Agreement and thereupon the same shall become void and of no effect (but without prejudice to any obligation of the Company under clause 14 (Promotion of Order) of this Agreement to pay any costs incurred by the Council thereunder) and the application for the Order shall be withdrawn.

Access to
documents of
Council.

17. On and from the obtaining of statutory authority sanctioning or giving effect to this Agreement the Council shall afford all reasonable facilities to a duly authorised officer or officers of the Company to inspect the books papers records and writings of the Council relating to the undertaking and make themselves acquainted with the affairs of the undertaking preparatory to the completion of the purchase thereof on the date of transfer and the Council shall give to the said officer or officers of the Company such assistance and information relating to such affairs as they may reasonably require.

Costs.

18. Each party shall bear and pay their own costs charges and expenses in connection with this Agreement the Order and the transfer of the undertaking except so far as is otherwise provided by clause 14 (Promotion of Order) of this Agreement.

Arbitration.

19. If any difference shall arise between the Council and the Company under this Agreement the same shall be referred to and determined by a single arbitrator to be agreed upon between them or in default of such agreement to be appointed on the request of either party after notice in writing to the other by the Minister of Health and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory modification or re-enactment thereof for the time being in force shall apply to the reference.

20. This Agreement is conditional on the approval of the Proprietors of the Company being obtained and to the consent of the Treasury to the raising of any capital which the Company may require to raise for the purposes of this Agreement.

In witness whereof the Council and the Company have hereunto caused their respective Common Seals to be affixed the day and year first before written.

The Common seal of the Wey Valley Water Company was hereunto affixed in the presence of:—

(L.S.)

L. WREY SAVILE,
C. DOUGLAS-JONES, } Directors.

F. WILLIE, Secretary.

The Seal of the Farnham Urban District Council was hereunto affixed in the presence of:—

(L.S.)

H. SANDERS, Chairman.

A. A. MINNS, Clerk.

SECOND SCHEDULE

ENACTMENTS REPEALED

The Farnham Water Order, 1886 (confirmed by the Water Orders Confirmation Act, 1886)— 49 & 50 Vict.
c. lx.

The whole order.

The Wey Valley, Frimley and Farnham Water Act, 1898—

The proviso to section 4 ; sections 85 to 88 ; in sections 90 and 91, the references to the Farnham Company.

61 & 62 Vict.
c. cclx.

The Farnham Water Company Limited (Modification of Charges) Order, 1922— S.R. & O. 1922
No. 619.

The whole order.

Given under the official seal of the Minister of Health this twenty-fourth day of March, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

1949 No. 551

WATER, ENGLAND

The Beverley Water Order, 1949

Made - - - - - 24th March, 1949
Coming into Operation 1st April, 1949

M.H. 109073.

8 & 9 Geo. 6.
c. 42. The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

Short title
and
commence-
ment.

1. This order may be cited as the Beverley Water Order, 1949, and shall come into operation on the 1st day of April, 1949.

Repeal of
local enact-
ments.

2. The local enactments specified in the schedule to this order (being enactments relating to water supply, the functions whereunder are vested in the mayor, aldermen and burgesses of the borough of Beverley) are hereby repealed to the intent that the undertaking authorised thereby shall be carried on under the Public Health Act, 1936.

26 Geo. 5. &
1 Edw. 8.
c. 49.

Saving of
regulations.
52 & 53 Vict.
c. 63.

3. Without prejudice to the operation of section 38 of the Interpretation Act, 1889, all regulations made under and by virtue of section 53 of the Beverley Waterworks Act, 1881, and in force immediately before the commencement of this order shall (subject to the provisions of subsection (6) of section 19 of the Water Act, 1945) continue in force in like manner and to the like extent as if the said section 53 had not been repealed.

SCHEDULE

Beverley Waterworks Act, 1881 (44 and 45 Vict. c. cxi).

Beverley Waterworks Order, 1887, confirmed by the Water Orders Confirmation Act, 1887 (50 and 51 Vict. c. cxxiv).

Beverley Water (Modification of Charges) Order, 1922 (S.R. & O. 1922 No. 405).

Given under the official seal of the Minister of Health this
twenty-fourth day of March, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Whitby Water Order, 1949

Made - - - - 25th March, 1949
Coming into Operation 25th March, 1949

M.H. 108950.

The Minister of Health, in exercise of the powers conferred on him by sections 23, 26 and 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:— 8 & 9 Geo. 6.
c. 42.

1.—(1) This order may be cited as the Whitby Water Order, 1949. Short and
collective
titles.
(2) The Whitby Water Acts and Order, 1864 to 1928, and this order may be cited together as the Whitby Water Acts and Orders, 1864 to 1949.

2. In this order the expressions to which meanings are assigned in Part I of the Third Schedule to the Water Act, 1945, shall, unless the context otherwise requires, have the same respective meanings, and— Interpreta-
tion.
“the Company” means the Whitby Waterworks Company;
“the undertaking” means the undertaking of the Company as for the time being authorised.

3. For the purposes of this order the provisions of the Third Schedule to the Water Act, 1945, which are set out in the first column of the second schedule to this order shall, subject to the modifications set out in the second column thereof, apply to the undertaking. Incorporation of
provisions of
Third
Schedule to
Water Act,
1945.

4.—(1) The Company may, when they have acquired the land described in the first schedule to this order or sufficient rights therein, make and maintain in, on or over that land an intake and weir across Wheeldale Beck. Power to
construct and
maintain
works.

(2) The said works shall for all purposes be deemed to form part of the undertaking.

(3) Subject to the provisions of Parts V and VI of the Third Schedule to the Water Act, 1945, as applied to the undertaking by this order, the Company may lay mains connecting the said intake with their existing Hazel Head pumping station:

Provided that, in relation to so much of any such main as is to be laid in land, not being land forming part of a street, belonging to His Majesty in right of His Duchy of Lancaster, section 19 of the said Schedule shall have effect as if the words “subject to the provisions of the next succeeding section” were omitted and section 20 of that Schedule shall not apply.

Power to
take water
from
Wheeldale
Beck.

5. Subject to the provisions of this order, the Company may take water from Wheeldale Beck by means of the intake and weir authorised by the last foregoing section for the purposes of the undertaking:

Provided that—

- (a) the Company shall not take from Wheeldale Beck by means of the said intake and weir a greater quantity of water than two hundred and fifty thousand gallons in any one day of twenty-four hours reckoned from midnight;
- (b) the Company shall not take from the said Beck by means of the said intake and weir such a quantity of water as shall reduce the flow in the said Beck, at a point to be determined by the Company within a distance of 300 yards below the said intake, to a rate of less than one hundred and twenty-five thousand gallons in twenty-four hours.

Amendment
of section 9
of Act of
1928.

6. Subsection (2) of section 9 of the Whitby Water Act, 1928, (which prohibits the Company from taking water from the Wheeldale Gill under the powers of that Act while the rate of flow at the point therein specified is less than two hundred and fifty thousand gallons in a day of twenty-four hours, and from taking therefrom under those powers a quantity exceeding two hundred and fifty thousand gallons in any day of twenty-four hours) shall have effect—

- (a) as if the words “one hundred and twenty-five” were substituted for the words “two hundred and fifty” where they firstly occur;
- (b) until the bringing into use of the weir and intake authorised by section 4 of this order, as if the words “three hundred and seventy-five” were substituted for the words “two hundred and fifty” where they secondly occur.

Amendment
of section 22
of Act of
1928.

7. Section 22 of the Whitby Water Act, 1928, (which prohibits the Company from constructing works for taking or intercepting water except upon lands specified in an Act of Parliament) shall be read and have effect as if the words “or in an order made under the Water Act, 1945.” were added at the end of that section.

FIRST SCHEDULE

LAND ON WHICH WORKS MAY BE CONSTRUCTED AND MAINTAINED UNDER THIS ORDER

Land comprising so much of the enclosures numbered 1^c in the parish of Egton and 47^b in the parish of Goathland on the 1/2500 ordnance map of Yorkshire [North Riding] sheet LX.7 (edition of 1928) as lies within a circle of 1 chain radius the centre of which is at a point in the centre of Wheeldale Beck 8.5 chains measured in a northerly direction from the confluence of the Blawarth Beck and the Rutmoor Beck.

SECOND SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO THE WATER ACT, 1945, APPLIED

Provisions applied	Modifications
Section 2 (permissible limits of deviation).	_____
Section 4 (general power to construct subsidiary works).	For the words from the beginning of the section to the words "abstract water" there shall be substituted the words "Subject to the provisions of section 22 of the Whitby Water Act, 1928" and for the words "any land for the time being held by them in connection with their water undertaking" there shall be substituted the words "the land described in the special Act."
Section 5 (power of undertakers to lay or erect telephone wires &c.).	_____
Section 6 (penalty for obstructing construction of works).	_____
In section 10 (provisions as to compensation water) subsections (3) to (5) and (7).	In subsection (3) for the words "flow of" where they first occur in the subsection there shall be substituted the words "minimum flow to be left in"; in paragraph (b) of subsection (4) the words "subsection (1) or" and the words from "or fail" to the end of the paragraph shall be omitted; and in subsection (5) the words "and the discharge of water into" shall be omitted.
Part IV (minerals underlying water-works).	_____
Part V (power to lay mains &c.) except section 21.	_____
Part VI (breaking open streets &c.)	_____
Section 92 (liability of undertakers to pay compensation).	_____
Section 94 (copies of special Act to be kept by undertakers in their office, and deposited with certain officers).	_____

Given under the official seal of the Minister of Health this twenty-fifth day of March, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Rickmansworth and Uxbridge Valley Water Order, 1949

Made - - - - - 30th March, 1949
Coming into Operation 1st April, 1949

M.H. 109018.

8 & 9
Geo. 6. c. 42.

The Minister of Health, in exercise of the powers conferred on him by sections 9 and 23 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

Short and
collective
titles.

1.—(1) This order may be cited as the Rickmansworth and Uxbridge Valley Water Order, 1949.

(2) The Rickmansworth and Uxbridge Valley Water Acts and Orders, 1884 to 1938, the Rickmansworth and Uxbridge Valley Water Company (Chesham Urban Supply) Order, 1946, and this order may be cited together as the Rickmansworth and Uxbridge Valley Water Acts and Orders, 1884 to 1949.

Interpreta-
tion.

2. In this order and in the modifications of section 4 of the Third Schedule to the Water Act, 1945, set out in the second schedule to this order, unless the context otherwise requires—

“the Undertakers” means the Rickmansworth and Uxbridge Valley Water Company ;

“the Council” means the Urban District Council of Uxbridge ;

“the appointed day” means the first day of April, 1949 ;

“the existing Acts and Orders” means the Rickmansworth and Uxbridge Valley Water Acts and Orders, 1884 to 1938, and the Rickmansworth and Uxbridge Valley Water Company (Chesham Urban Supply) Order, 1946, and any of those Acts and orders is referred to in this order as the Act or order of the year in which it was passed or confirmed by Parliament ;

“the deposited plans” means the plans submitted to the Minister in connection with the application for this order numbered 1 and 2 respectively and signed on behalf of the Undertakers and the Council ;

“the Uxbridge undertaking” means the water undertaking of the Council and includes (subject to the provisions of this order)—

(i) the several areas of land coloured pink on the deposited plans, and the pumping stations, reservoir, water tower, buildings and works of the Council situate on the appointed day on or under those lands ;

(ii) all wells, boreholes and adits of the Council situate on the appointed day in or under any of the lands coloured pink or blue on the deposited plans ;

(iii) all other lands, easements, buildings and works which on the appointed day shall belong to the Council and be used by them exclusively for the purposes of their water undertaking ;

- (iv) all mains, pipes, plant, machinery and apparatus which on the appointed day shall belong to the Council and form part of their water undertaking ;
- (v) all stocks and stores of coal, coke, oil, tools and materials which on the appointed day shall belong to the Council and be held by them for the purposes of their water undertaking ;
- (vi) all deeds, contracts, plans, specifications, books and other documents which on the appointed day shall belong to the Council and relate exclusively to their water undertaking ; and
- (vii) all rights, powers, privileges and authorities and other real and personal property which on the appointed day shall belong or attach to or be vested in the Council as part of their water undertaking, including things in action and the benefit of all contracts or agreements entered into by the Council in relation to their water undertaking and subsisting at the appointed day ;

but does not include any rights, powers or authorities of the Council to supply water under the Public Health Act, 1936, or any other enactment ;

26 Geo. 5.
& 1 Edw. 8.
c. 49.

“ the Uxbridge pumping stations ” means the two pumping stations of the Council situate on the lands coloured pink on the deposited plans, and includes all wells, boreholes, adits and other works connected therewith and situate in on or under any of the lands coloured pink or blue on the deposited plans ;

“ the added limits ” means that part of the urban district of Uxbridge (as constituted on the first day of October, 1948) which is not within the limits of supply of the Undertakers under the existing Acts and Orders.

3.—(1) On the appointed day the Uxbridge undertaking shall by virtue of this order be transferred to and vest in the Undertakers, and shall thereafter form part of the undertaking of the Undertakers, subject to the provisions of this order, but freed and discharged (except as in this order otherwise expressly provided) from all mortgages, charges and liens and from all debts, liabilities and financial obligations of the Council which shall be subsisting at the appointed day.

Vesting of
Uxbridge
under-
taking in
Undertakers.

(2) On the appointed day the Undertakers shall pay to the Council the sum of sixty-seven thousand five hundred pounds as the consideration for the transfer to and vesting in the Undertakers of the Uxbridge undertaking by subsection (1) of this section.

(3) In addition to the sum payable by the Undertakers to the Council under subsection (2) of this section, the Undertakers shall repay to the Council all capital expenditure incurred by the Council with the consent of the Undertakers in connection with the Uxbridge undertaking between the twenty-ninth day of October, 1948, and the appointed day.

4.—(1) The Council shall pay and discharge all debts, liabilities and outgoings which shall have become payable by them before or accrued due from them up to the appointed day in respect of the Uxbridge undertaking, and shall be entitled to all rates, rents, charges and other sums of money which shall have become payable to them before or accrued due to them up to the appointed day in respect of the Uxbridge undertaking.

Outgoings
and
receipts in
respect of
Uxbridge
undertaking.

(2) The Undertakers shall pay and discharge all debts, liabilities and outgoings (other than in respect of any mortgages and liens of the Council), and be entitled to all rates, rents, charges and other sums of money, which shall become payable or accrue due on and after the appointed day in respect of the Uxbridge undertaking.

(3) The debts, liabilities and outgoings referred to in subsection (2) of this section shall include local rates, taxes and assessments.

(4) For the purpose of giving effect to the foregoing provisions of this section any such debts, liabilities, outgoings, rates, rents, charges and sums of money shall when necessary be apportioned between the Council and the Undertakers by agreement, or failing agreement by an accountant to be agreed between the parties or appointed by the Minister of Health on the application of either party after notice to the other of them.

(5) All rates, rents, charges and other sums of money which at the appointed day are due or payable or accruing due to the Council in connection with the Uxbridge undertaking shall, notwithstanding anything in this order or the transfer to the Undertakers of the Uxbridge undertaking pursuant to this order, continue to be due or payable or accruing due, and save as may be otherwise agreed between the Council and the Undertakers may be collected and recovered—

(a) by the Council if the same shall have become payable before the appointed day, and

(b) by the Undertakers if the same shall become payable on or after the appointed day.

5. Until the appointed day the Council shall maintain and carry on their water undertaking as heretofore in the ordinary course of business.

6. Any action, arbitration or proceeding or any cause of action, arbitration or proceeding pending or existing on the appointed day by or against or in favour of the Council in relation to the Uxbridge undertaking shall not abate or be discontinued or be in any wise prejudicially affected by the transfer to the Undertakers of the Uxbridge undertaking or of anything in this order, but may be continued, prosecuted and enforced by or against or in favour of the Undertakers as and when it might have been continued, prosecuted and enforced by or against or in favour of the Council if this order had not been made, but not further or otherwise.

7. Subject to the provisions of this order, all agreements, conveyances, contracts, deeds and other instruments entered into or made with or by the Council and in force at the appointed day and relating to the Uxbridge undertaking shall, so far as they so relate, be as binding and of as full force and effect in every respect against or in favour of the Undertakers, and may be enforced as fully and effectually, as if instead of the Council the Undertakers had been a party thereto.

8.—(1) All books and other documents which, if this order had not been made, would have been evidence in respect of any matter for or against the Council in relation to the Uxbridge undertaking shall on and after the appointed day be admitted in evidence in respect of the same or the like matter for or against the Undertakers.

(2) All officers and persons who at the appointed day have in their possession or under their control any deeds, contracts, plans, specifications, books and other documents, moneys or effects forming part of the Uxbridge undertaking shall be liable to account for and deliver

Maintenance of Council's water undertaking.
Pending actions not to abate.

Contracts with Council to be binding on Undertakers.

Books, documents, &c.

them up to the Undertakers, or to such persons as the Undertakers may appoint to receive them, and subject to the same consequences on refusal or neglect as if they had been appointed by and become possessed thereof for the Undertakers:

Provided that the Council shall be entitled to have access at all reasonable times and for all reasonable purposes to any books, papers and documents of which the Undertakers shall have received possession under this section.

(3) The Undertakers shall on and after the appointed day be entitled to have access at all reasonable times and for all reasonable purposes to any books, papers and documents relating partly to the Council's water undertaking but retained by the Council as not forming part of the Uxbridge undertaking.

9.—(1) On and after the appointed day the limits within which the Undertakers may supply water shall extend to and include the added limits in addition to their present limits of supply, and subject to the provisions of section 10 of this order the provisions of the existing Acts and Orders, and of all byelaws and regulations made by the Undertakers thereunder, shall so far as applicable be of full force and have effect within the added limits as well as within the present limits of supply:

Extension
of limits
of supply

Provided that section 28 of the Act of 1928 (which authorises the Undertakers to require the provision of cisterns in the case of certain dwellinghouses) shall within the added limits apply only to dwellinghouses erected after the appointed day.

(2) On the appointed day all byelaws and regulations of the Council relating to their water undertaking shall cease to be in force.

10.—(1) Notwithstanding anything in section 9 of this order, the rates and charges to be made by the Undertakers for water supplied by them for domestic purposes or by meter (other than for building purposes) within the added limits during the period commencing on the appointed day and terminating on the thirty-first day of March, 1956, shall not exceed the rates and charges (being the rates and charges which the Council were charging for like supplies on the first day of January, 1946), stated in the first schedule to this order.

Rates and
charges.

(2) During the said period subsection (3) of section 18 of the Act of 1928 (which provides for a minimum charge in the case of certain supplies by measure, based on gross estimated rental) shall within the added limits have effect as if the words "net annual value" were substituted therein for the words "gross estimated rental."

(3) Section 19 of the Act of 1928 (which, so far as is material, provides for the making, where water supplied for domestic purposes is used by hosepipe for horses or washing carriages or motor cars or other similar purposes, of charges additional to the rates authorised by section 41 of the Act of 1884 and the Schedule to that Act, as amended by section 15 of the Act of 1928) shall within the added limits have effect during the said period as if for the reference to the rates authorised as aforesaid there were substituted a reference to the rates chargeable by the Undertakers under subsection (1) of this section for water supplied for domestic purposes.

11.—(1) The Undertakers may on and after the appointed day continue and maintain the Uxbridge pumping stations.

Pumping
stations
and works.

(2) The Undertakers may also on and after the appointed day make and maintain on and under any of the lands coloured pink on

the deposited plans, and also (so long as they shall be possessed of the necessary easements for the purpose) on and under any of the lands coloured blue on the deposited plans, all such wells, boreholes, adits, headings and shafts (in addition to the works authorised by section 4 of the Third Schedule to the Water Act, 1945, as applied to the undertaking of the Undertakers by this order) as may be necessary or expedient for augmenting or improving the supply of water obtainable by means of the Uxbridge pumping stations, and any such wells, bores, adits, headings and shafts shall for all purposes be deemed to be part of the Uxbridge pumping stations.

Power to
take waters.

12. The Undertakers may take and appropriate for the purposes of their undertaking any underground waters (not being waters flowing in a defined channel) which may be intercepted by the Uxbridge pumping stations.

Incorporation of
provisions
of Third
Schedule to
Water Act,
1945.

13. For the purposes of this order, the provisions of the Third Schedule to the Water Act, 1945, specified in the first column of the second schedule to this order are hereby applied to the undertaking of the Undertakers and incorporated with this order, subject to the modifications set out in the second column of the said second schedule.

For protec-
tion of Arthur
Sanderson
and Sons,
Limited.

14.—(1) In this section—

“the owner” means Arthur Sanderson and Sons Limited and their successors and assigns;

“the authorised work” means any well, borehole, adit, heading or shaft constructed by the Undertakers under the authority of this order on or under any of the lands coloured pink or blue on the deposited plans;

“protected well” means either of the two wells of the owner existing at the commencement of this order on the lands of the owner at Denham in the rural district of Eton comprising part of the enclosure numbered 443 in the parish of Denham on the ordnance map (scale 1/2500—revision of 1932) of Buckinghamshire sheet LIV. 5 and known as One Hundred Acres, or the new well which the owner was constructing on those lands at the thirty-first day of December, 1948.

(2) The provisions of subsections (2) to (14) of section 35 of the Act of 1936 (which conferred on the owners of certain wells protection in relation to certain works which the Undertakers were by that Act authorised to construct) shall extend and apply for the protection of the owner as if those subsections were repeated in this section:

Provided that for the purposes of this section—

(a) the expressions “the authorised work” and “protected well” in those subsections shall have the meanings stated in subsection (1) of this section instead of the meanings stated in the said section 35;

(b) the expression “the Company” in those subsections shall mean the Undertakers;

(c) the words “this Act” in those subsections shall be construed as a reference to this order; and

(d) the references in those subsections to diminution or cesser of the supply of water shall be subject to the limitations imposed by subsection (3) of this section.

(3) The owner shall not, except with the consent of the Undertakers, pump water at the new well referred to in subsection (1) of this section at the same time as the owner pumps water from the two existing wells therein referred to or either of them, or pump by means

of the said new well, or as the case may be the two existing wells or either of them, on any day of twenty-four hours a greater quantity of water than two hundred and forty thousand gallons.

15.—(1) All costs, charges and expenses of and incidental to the application for this order and the making thereof shall be paid by the Undertakers and may in whole or in part be defrayed out of revenue. Costs of order.

(2) The Undertakers shall also pay all costs and expenses reasonably incurred by the Council in connection with (i) the agreement made between the Undertakers and the Council and dated the twenty-ninth day of October, 1948, and (ii) the transfer to and vesting in the Undertakers of the Uxbridge undertaking.

FIRST SCHEDULE

MAXIMUM RATES AND CHARGES IN ADDED LIMITS

Water supplied for domestic purposes—five per centum of the net annual value of the premises supplied without any additional charge for water closets or for baths not having a capacity in excess of fifty gallons;

Water supplied by meter—two shillings and threepence per thousand gallons, inclusive of meter rent.

SECOND SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO THE WATER ACT, 1945, APPLIED

Provision applied	Modifications
Section 4 (general power to construct subsidiary works).	For the words from the beginning of the section to the words “abstract water” there shall be substituted “Subject to the provisions of section 7 of the Rickmansworth and Uxbridge Valley Water Order, 1917”; and for the words “any land for the time being held by them in connection with their water undertaking” there shall be substituted the words “such of the lands coloured pink or blue on the deposited plans as at the appointed day are vested in the Council or as are lands in which the Undertakers are possessed of the necessary easements for the purpose.”
Section 94 (copies of special Act to be kept by undertakers in their office, and deposited with certain officers).	—

Given under the official seal of the Minister of Health this thirtieth day of March, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under-Secretary,
Ministry of Health.

WATER, ENGLAND

The North Devon Water Board Order, 1949

Made - - - - 30th March, 1949

Coming into Operation 30th March, 1949

M.H.109089.

8 & 9 Geo. 6. c. 42. The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows :—

Short and collective titles.

1.—(1) This order may be cited as the North Devon Water Board Order, 1949.

9 Geo. 6. c. vi.

(2) The North Devon Water Board Act, 1945, and this order may be cited together as the North Devon Water Board Act and Order, 1945 and 1949.

Interpretation.

2. In this order, unless the context otherwise requires,—

“ the Act of 1945 ” means the North Devon Water Board Act, 1945 ;

“ the Board ” means the North Devon Water Board.

Continuation in office of members until the 31st May, 1949.

3. Notwithstanding anything contained in subsection (1) of section 7 of the Act of 1945 (which provides that the first members of the Board shall continue in office for such period as the constituent authority by whom they are appointed shall determine but not beyond the thirtieth day of April one thousand nine hundred and forty-nine) the members of the Board who shall be in office on the said thirtieth day of April shall (unless otherwise disqualified from holding office) continue in office until the thirty-first day of May one thousand nine hundred and forty-nine.

Alteration of date of annual meeting.

4. As from the commencement of this order subsection (1) of section 19 of the Act of 1945 (which requires the Board to hold an annual meeting in every year within one month of the thirty-first day of March) shall have effect as if the word “ May ” were substituted for the word “ March ”.

Given under the official seal of the Minister of Health this thirtieth day of March, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

1949 No. 653

WATER, ENGLAND

The Andover Water Order, 1949

Made - - - - 31st March, 1949

Coming into Operation 1st April, 1949

M.H. 109107.

The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the Andover Water Order, 1949, and shall come into operation on the first day of April, 1949.

2. The local enactment specified in the schedule to this order (being an enactment relating to water supply, the functions whereunder are vested in the rural district council of Andover) is hereby repealed, to the intent that the undertaking authorised thereby, so far as it relates to the supply of water in the rural district of Andover, shall be carried on under the Public Health Act, 1936(b).

SCHEDULE

Local enactment repealed

The Ludgershall Water Order, 1903, confirmed by the Water Orders Confirmation Act, 1903(c).

Given under the official seal of the Minister of Health this thirty-first day of March, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

(a) 8 & 9 Geo. 6. c. 42.

(b) 26 Geo. 5 & 1 Edw. 8. c. 49.

(c) 3 Edw. 7. c. cxxxiv.

WATER, ENGLAND AND WALES

The Lley Water Order, 1949

Made - - - - 25th March, 1949

Coming into Operation 1st April, 1949

1258W.

8 & 9 Geo. 6.
c. 42. The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows :—

1. This order may be cited as the Lley Water Order, 1949, and shall come into operation on the first day of April, 1949.

2. In this order, unless the context otherwise requires—

“ the Council ” means the Lley Rural District Council ;

“ the Company ” means the Abersoch Water Company Limited ;

“ the 1927 Act ” means the Abersoch Water Act, 1927, which authorises the Company to construct and maintain waterworks and to supply water in part of the County of Caernarvon.

3. The 1927 Act is hereby repealed, without prejudice to anything duly done or suffered or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder, to the intent that the water undertaking authorised by the 1927 Act shall be carried on by the Council under the Public Health Act, 1936 :

Provided that so much of section 9 of the 1927 Act as relates to the power to take water shall continue in force and the Council may exercise the rights conferred thereby in all respects as if the Council had been referred to therein instead of the Company.

Given under the official seal of the Minister of Health this Twenty-fifth day of March, Nineteen hundred and forty-nine.

(L.S.)

Geoffrey Crawshay,
Chairman, Welsh Board of Health.

WATER, ENGLAND

The Staffordshire Potteries Water Order, 1949

Made - - - - - 20th April, 1949

Coming into Operation 20th April, 1949

M.H. 107931.

The Minister of Health in exercise of the powers conferred on him by section 23 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the Staffordshire Potteries Water Order, 1949, and the Staffordshire Potteries Water Board Acts and Orders, 1853 to 1948, and this order may be cited together as the Staffordshire Potteries Water Board Acts and Orders, 1853 to 1949. Short and collective titles.

2. In this order unless the context otherwise requires—

Interpretation.

“the Board” means the Staffordshire Potteries Water Board;

“the new pumping station” means the pumping station the construction and maintenance of which is authorised by this order;

“the undertaking” means the water undertaking of the Board as for the time being authorised by any enactment;

“enactment” has the same meaning as in the Water Act, 1945;

“the Third Schedule” means the Third Schedule to the Water Act, 1945.

3. The Board may, when they shall have acquired the land described in the first schedule to this order or obtained sufficient rights therein, alter or enlarge and maintain the existing mine shafts on the said land, and construct a new pumping station thereon. Power to make water-works.

4. The said mine shafts and the new pumping station shall for all purposes be deemed to form part of the undertaking. Works to form part of undertaking.

5. The Board may take for the purposes of the undertaking any underground waters (not being waters flowing in a defined channel) which may be intercepted by the said mine shafts and the new pumping station. Power to take waters.

6. For the purposes of this order the provisions of the Third Schedule which are set out in the first column of the second schedule to this order shall, subject to the modifications set out in the second column thereof, apply to the undertaking. Incorporation of provisions of Third Schedule.

(a) 8 & 9 Geo. 6. c. 42.

FIRST SCHEDULE

LAND ON WHICH WATERWORKS MAY BE CONSTRUCTED AND MAINTAINED UNDER THIS ORDER

1.506 acres or thereabouts of land in the parish of Cheddleton in the rural district of Cheadle comprising the enclosure numbered 620a in the said parish on the 1/2500 ordnance map of Staffordshire sheet No. XIII.1 (Revision of 1937) and part of the enclosure numbered 620 in the said parish on the said ordnance sheet and bounded on the north by the boundary between the said enclosure numbered 620 and the enclosure numbered 621 on the said ordnance sheet on the south in part by the said enclosure numbered 620a and in part by the southern boundary of the said enclosure numbered 620 on the east by the boundary between the said enclosure numbered 620 and the enclosures numbered 618, 620a and 619 on the said ordnance sheet and on the west by a line commencing at a point on the southern boundary of the said enclosure numbered 620 fifteen feet or thereabouts measured in a westerly direction along the said southern boundary from the junction of that boundary with the eastern boundary of the said enclosure numbered 620 thence proceeding at an angle of 14 degrees in a north north-westerly direction for a distance of two hundred and eighty feet thence proceeding at an angle of 14 degrees in a north-easterly direction for a distance of two hundred and forty feet to and terminating at the boundary between the said enclosures numbered 620 and 621.

SECOND SCHEDULE

PROVISIONS OF THIRD SCHEDULE APPLIED

<i>Provision Applied</i>	<i>Modifications</i>
Section 4 (general power to construct subsidiary works).	For the words from the beginning of the section to the words "abstract water" there shall be substituted the words "Subject to the provisions of section 19 of the Staffordshire Potteries Waterworks Act, 1912, and of section 16 of the Staffordshire Potteries Waterworks Act, 1922,"; and for the words "any land for the time being held by them in connection with their water undertaking" there shall be substituted the words "the land described in the special Act."
Part V (power to lay mains, etc.) except section 21.	—
Part VI (breaking up streets, etc.).	—
Section 94 (copies of special Act to be kept by undertakers in their office, and deposited with certain officers).	—

Given under the official seal of the Minister of Health this twentieth day of April, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

**The Cheltenham and Gloucester Joint Water Board
Order, 1949**

Made - - - - - 22nd April, 1949
Coming into Operation 22nd April, 1949

M.H. 108783

The Minister of Health in exercise of the powers conferred on him by section 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

8 & 9 Geo. 6
c. 42.

1.—(1) This order may be cited as the Cheltenham and Gloucester Joint Water Board Order, 1949.

Short and
collective
titles.

(2) The Cheltenham and Gloucester Joint Water Board &c. Act, 1936, and this order may be cited together as the Cheltenham and Gloucester Joint Water Board Act and Order, 1936 and 1949.

26 Geo. 5 &
1 Edw. 8.
c. cxxix.

2. In this order, unless the context otherwise requires,—

Interpre-
tation.

“the Board” means the Cheltenham and Gloucester Joint Water Board;

“the Act of 1936” means the Cheltenham and Gloucester Joint Water Board &c. Act, 1936;

“the Gloucester Corporation” means the mayor, aldermen and citizens of the city of Gloucester in the county of the city of Gloucester;

“the Cheltenham Corporation” means the mayor, aldermen and burgesses of the borough of Cheltenham;

“the transferred works” means the works which were transferred from the Cheltenham Corporation to the Board in pursuance of section 33 of the Act of 1936, namely, the twenty-four-inch water main laid by the Cheltenham Corporation from their pumping station in the borough of Tewkesbury to Stonehouse Farm in the enclosure numbered 103 in the said borough of Tewkesbury on the 1/2500 ordnance map of Gloucestershire sheet no. XIX (edition of 1923); the said pumping station; and all lands, buildings, easements, rights, powers, authorities and privileges of or exercisable by the Cheltenham Corporation for the purposes of or in relation to the said main and pumping station, including the right to take water in or by the said main or station.

3.—(1) Section 112 of the Act of 1936 (which required the Gloucester Corporation to pay to the Board the sums required by the Board in respect of Works Nos. 1 to 8 authorised by that Act) is hereby repealed.

Amendment
of Act
of 1936.

(2) The Board shall pay to the Gloucester Corporation a sum equal to the total of—

(a) such portions of the sums raised by the Gloucester Corporation to meet their obligation under the said section 112 as were on the first day of April nineteen hundred and forty-seven due to be appropriated by the Gloucester Corporation to their consolidated loans fund in respect of sums applied from that fund to enable them to meet that obligation;

- (b) such portions of any sums raised by the Gloucester Corporation, to provide such other sums (not being loans under section 115 of the Act of 1936) as the Board and the Gloucester Corporation may agree to be properly payable by the Gloucester Corporation to the Board to meet the cost of other works executed by the Board under the Act of 1936, as were on the first day of April nineteen hundred and forty-seven due to be appropriated as aforesaid ; and
- (c) interest on such sums as aforesaid in respect of the period between the first day of April nineteen hundred and forty-seven and the date of the said payment by the Board to the Gloucester Corporation.

(3) Notwithstanding anything in section 37 of the Act of 1936, the Board shall pay to the Cheltenham Corporation a sum equal to the net amount of any loans incurred by the Cheltenham Corporation in respect of the transferred works and outstanding on the first day of April nineteen hundred and forty-seven, together with interest on the said sum in respect of the period between the first day of April nineteen hundred and forty-seven and the date of the said payment by the Board to the Cheltenham Corporation.

23 & 24

Geo. 5. c. 51.

(4) The Board shall have power, in addition and without prejudice to their powers of borrowing under the Local Government Act, 1933, from time to time to borrow without the consent of any sanctioning authority such sums as they may require to enable them to make the payments referred to in subsections (2) and (3) of this section.

(5) The period for repayment of any money borrowed by the Board under this section shall be twenty-seven years from the first day of April nineteen hundred and forty-seven.

Given under the official seal of the Minister of Health this twenty-second day of April, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Bristol Waterworks Order, 1949

Made - - - - 28th April, 1949
Coming into Operation 28th April, 1949

M.H. 109058.

The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Bristol Waterworks Order, 1949. Short and collective titles.

(2) The Bristol Waterworks Acts and Orders, 1862 to 1947, the Bristol Waterworks (Extension of Time) Order, 1947(b), the Bristol Waterworks (Extension of Time) (No. 2) Order, 1947(c), and this order may be cited together as the Bristol Waterworks Acts and Orders, 1862 to 1949.

2. In this order the expression “the Act of 1939” means the Bristol Waterworks Act, 1939. Interpretation.

3.—(1) Section 12 of the Act of 1939 (which as amended by the Bristol Waterworks (Extension of Time) (No. 2) Order, 1947, limits the period during which the works authorised by subsection (1) of section 9 of that Act may be constructed to a period of thirteen years from the passing of that Act) shall have effect as if the words “fifteen years” had been inserted therein instead of the words “thirteen years.” Extensions of time.

(2) The proviso to section 13 of the Act of 1939 (which prescribes that if the Chew Stoke Reservoir authorised by that Act be not completed within a period of ten years from the passing of that Act then on the expiry of that period the powers conferred on the Company by the said section 13 shall cease and determine) shall have effect as if the words “fifteen years” had been inserted in the proviso instead of the words “ten years.”

(3) Section 30 of the Act of 1939 (which as amended by the Bristol Waterworks (Extension of Time) Orders, 1942 and 1945, and by the Bristol Waterworks (Extension of Time) Order, 1947, provides that the powers of the Company for the compulsory purchase of lands and easements for the purposes of that Act shall cease on the thirty-first day of October nineteen hundred and forty-nine) shall have effect as if the words “the thirty-first day of October nineteen hundred and fifty-two” had been inserted therein instead of the words “the thirty-first day of October nineteen hundred and forty-nine.”

Given under the official seal of the Minister of Health this twenty-eighth day of April, nineteen hundred and forty-nine.

(L.S.)

H. Symon,
Under Secretary,
Ministry of Health.

(a) 8 & 9 Geo. 6. c. 42. (b) S.R. & O. 1947 No. 1967.
(c) S.R. & O. 1947 No. 1968.

WATER, ENGLAND

The Northallerton Water Order, 1949

Made - - - - 24th March, 1949

Coming into Operation 28th April, 1949

M.H.108633.

8 & 9 Geo. 6.
c. 42. The Minister of Health in exercise of the powers conferred on him by sections 10, 32 and 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

PART I

PRELIMINARY

Short and
collective
titles.

1.—(1) This order may be cited as the Northallerton Water Order, 1949.

(2) The Northallerton Waterworks Acts and Orders, 1891 to 1940, and this order may be cited together as the Northallerton Water Acts and Orders, 1891 to 1949.

Division of
order into
parts.

2. This order is divided into parts as follows:—

Part I.—Preliminary.

Part II.—Works.

Part III.—Miscellaneous.

Interpre-
tation.

3. In this order unless the context otherwise requires—

“ the Council ” means the urban district council of Northallerton;

“ the Act of 1945 ” means the Water Act, 1945;

“ the Act of 1940 ” means the Northallerton Urban District Council Act, 1940;

“ the undertaking ” means the water undertaking of the Council for the time being authorised;

“ enactment ” means any Act of Parliament, whether public general, local or private, any order or scheme made under an Act of Parliament, or any provision in an Act of Parliament or in any such order or scheme.

3 & 4 Geo. 6.
c. xvi.

PART II

WORKS

4. For the purpose of enabling the Council to construct and maintain a line or lines of pipes in the parishes of Osmotherley and Thimbleby in the rural district of Northallerton in the county of York, North Riding, from the termination of the existing line of pipes (Work No. 2) authorised by the Act of 1940 in the Thimbleby-Osmotherley road at a point 35 yards or thereabouts in a southerly direction from the north-eastern corner of the enclosure numbered 176 on the 1/2500 ordnance map of Yorkshire (North Riding) sheet LVI. 12 (edition of 1928) to the filter house (Work No. 2), authorised by the Northallerton and District Water Board Order, 1949, the provisions of the Third Schedule to the Act of 1945 which are set out in the first column of the schedule to this order are hereby incorporated with the Northallerton Waterworks Acts and Orders, 1891 to 1940, subject to the modifications set out in the second column of the said schedule, and shall apply accordingly to the undertaking.

Incorporation of certain provisions of Third Schedule to Water Act, 1945, for purpose of laying water main.

5. Subject to the provisions of this order any line or lines of pipes constructed by the Council under the preceding section of this order shall for all purposes form part of and be comprised in the undertaking.

Works to form part of water undertaking.

PART III

MISCELLANEOUS

6. On the first day of April one thousand nine hundred and forty-nine section 14 of the Northallerton Waterworks Act, 1891 (which defined the limits of supply for the purposes of that Act) and section 15 of that Act (under which the Council may be required to sell certain pipes fittings and other apparatus to the rural council) shall be repealed, and the limits within which the Council are authorised to supply water shall be and include the urban district of Northallerton and the parishes of Brompton and Romanby in the rural district of Northallerton.

Re-definition of limits of supply.
54 & 55 Vict. c. cxxxiv.

7. The following enactments are hereby repealed:—

Repeal.

Northallerton Waterworks Act, 1891—

Section 36 (protection of lenders from inquiry).

Section 37 (local Board not to regard trusts).

Northallerton Waterworks Act, 1909—

Section 34 (protection of lender from inquiry).

9 Edw. 7. c. lxxxiii.

The Act of 1940—

Section 9 (temporary discharge of water into streams).

Subsection (7), and the words “ or the discharge of water under the powers of the section of this Act of which the marginal note is ‘ Temporary discharge of water into streams ’ ” in subsection (8), of section 13 (for protection of River Ouse (Yorks) Catchment Board).

SCHEDULE
PROVISIONS OF THIRD SCHEDULE TO THE WATER ACT, 1945,
INCORPORATED

Provisions incorporated I	Modifications 2
Section 6 (penalty for obstructing construction of works).	For the words " authorised works " there shall be substituted the words " line of pipes."
Part IV (minerals underlying waterworks).	In section 12 for the words " the first occasion " to the word " enactments," there shall be substituted the words " laying or constructing any pipes under the powers of the special Act," for the word " existing " there shall be substituted the word " such," and the words " or other conduits " to the words " works belonging to them " and the words " and conduits and underground works for the time being belonging to them " shall be omitted.
Section 19 (power to lay mains)...	—
Section 20 (conditions as to laying mains outside limits of supply).	—
Part VI (breaking open streets &c.).	—
Section 92 (liability of undertakers to pay compensation).	—
Section 93 (protection for works of navigation authorities and for catchment boards and railways).	—
Section 94 (copies of special Act to be kept by undertakers in their office and deposited with certain officers).	—

Given under the official seal of the Minister of Health this twenty-fourth day of March, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer.
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Northallerton and District Water Board Order, 1949

Made - - - - 24th March, 1949

Coming into Operation 28th April, 1949

M.H. 108635.

The Minister of Health, in exercise of the powers conferred on him by sections 9, 23, 26 and 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:— 8 & 9
Geo. 6. c. 42.

PART I

Preliminary

1.—(1) This order may be cited as the Northallerton and District Water Board Order, 1949. Short title.

(2) The Northallerton Urban District Council (Compulsory Purchase) Order, 1947 (confirmed by the Northallerton Urban District Council Compulsory Purchase Confirmation Order, 1949), and this order may be cited together as the Northallerton and District Water Board Orders, 1947 and 1949.

2. This order is divided into parts as follows:—

Part I.—Preliminary;

Part II.—Constitution of Board;

Part III.—Construction of Waterworks;

Part IV.—Abstraction of Water;

Part V.—Transfer of Oakdale undertaking;

Part VI.—Supply of Water &c.;

Part VII.—Financial and Miscellaneous.

Division of
order into
parts.

3.—(1) In this order, unless the context otherwise requires,—

“ the Act of 1933 ” means the Local Government Act, 1933;

Interpreta-
tion.

23 & 24
Geo. 5. c. 51.

“ the Act of 1940 ” means the Northallerton Urban District Council Act, 1940;

3 & 4 Geo. 6.
c. xvi.

“ the Act of 1945 ” means the Water Act, 1945;

“ the appointed day ” has the meaning assigned to it by section 17 of this order;

“ the Board ” means the Northallerton and District Water Board;

“ the clerk ” means the clerk of the Board;

“ Cod Beck reservoir ” means the reservoir (Work No. 1) authorised by this order;

“ constituent area ” means the area in which a constituent authority is for the time being authorised to supply water;

“ constituent authorities ” means the council and the rural council and “ constituent authority ” means one of those councils;

“ the council ” means the urban district council of Northallerton;

“ financial year ” means a year commencing on the first day of April;

“ the Minister ” means the Minister of Health;

“ the Northallerton Water Acts ” means the Northallerton Waterworks Act, 1891, the Northallerton Waterworks Act, 1909, and the Act of 1940;

“ the Oakdale undertaking ” means—

(a) the following works in the rural district of Northallerton in the county of York, North Riding, namely:—

(i) the Oakdale compensation reservoir in the parishes of Thimbleby and Osmotherley, being Work No. 6 authorised by the Northallerton Waterworks Act, 1891;

(ii) the collecting pipe from Jenny Brewster’s Spring in the parish of Osmotherley to the collecting tank next hereinafter described, and the intakes feeding the said pipe;

(iii) the collecting tank in Big Wood in the parish of Thimbleby;

(iv) the Oakdale supply reservoir in the parishes of Thimbleby and Osmotherley, being Work No. 1 authorised by the Northallerton Waterworks Act, 1909;

(v) the diversion pipe from Oakdale Beck to Jenny Brewster’s Gill;

(vi) the weir or gauge across the Oakdale Beck immediately below the commencement of the pipe lastly above described;

(vii) the weir or gauge across Jenny Brewster’s Gill immediately below the termination of the pipe fifthly above described;

(viii) the aqueduct from Jenny Brewster’s Gill at a point immediately above the weir lastly above described and passing along the northern side of the Oakdale supply reservoir and round the northern end of the embankment of that reservoir to Oakdale Beck;

(ix) the six inch main from the Oakdale supply reservoir to the collecting tank in Big Wood;

(x) the road from the Thimbleby to Osmotherley road across the bridge over Slape Stones Beck at the Oakdale compensation reservoir to the Oakdale supply reservoir;

(xi) the six inch main in the parish of Thimbleby (being part of Work No. 3 authorised by the Northallerton Waterworks Act, 1891) from the collecting tank in Big Wood to the commencement of the line or lines of pipes to be constructed by the Board so as to connect with the filter house (Work No. 2) by this order authorised;

(b) all lands, buildings, plant, gauges, easements, rights, powers, authorities and privileges of or exercisable by the council for the purposes of or in relation to the reservoirs, mains and

54 & 55 Vict.
c. cxxxiv.
9 Edw. 7.
c. lxxxiii.

other works aforesaid, including the right to take, intercept, impound and divert water in or by the said reservoirs, mains and works;

- (c) Work No. 1 authorised by subsection (1) of section 5 of the Act of 1940, and all rights, powers, authorities and privileges conferred upon the council by the Act of 1940 in relation to the taking, intercepting, collecting, using, diverting and appropriating of water by the said work;

“ the pipe lines ” mean the following lines of pipes to be constructed by the Board, namely:—

- (a) from the Cod Beck Reservoir to the filter house (Work No. 2) by this order authorised;

- (b) from the existing line of pipes (Work No. 3) authorised by the Northallerton Waterworks Act, 1891, in the enclosure numbered 3 on the 1/2500 ordnance map of Yorkshire (North Riding) sheet LVII.5 (edition of 1912) to the said filter house; and

- (c) from the said filter house to the Cod Beck in the enclosure numbered 133A on the said ordnance map sheet LVII.5;

“ the rural council ” means the rural district council of Northallerton;

“ the signed plan ” means the plan marked “ Northallerton and District Water Board Order, 1949 ” which has been signed by an Under Secretary of the Ministry of Health and deposited in that Ministry;

“ statutory securities ” has the same meaning as in section 218 of the Act of 1933, except that it does not include securities of the Board;

“ the Third Schedule ” means the Third Schedule to the Water Act, 1945;

“ the undertaking ” means the water undertaking of the Board for the time being authorised.

(2) Unless the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this order.

4. The provisions of the Third Schedule which are set out in the first column of the first schedule to this order are hereby applied to the undertaking, subject to the modifications set out in the second column of the said first schedule, and shall be incorporated with this order and, so far as may be appropriate for the purpose thereof, with any local enactment applied by this order to the Board.

Incorporation and application of provisions of Third Schedule.

PART II

CONSTITUTION OF BOARD

5.—(1) For the purposes of providing a supply of water for distribution by the constituent authorities and of supplying water in bulk, and generally for the purpose of carrying the powers of this order into execution, there shall be constituted as by this order provided a board of twelve members, each of whom shall be a member of the constituent authority by whom he is elected.

Constitution of Board.

(2) The said board shall be a body corporate by the name of the Northallerton and District Water Board, and shall have perpetual succession and a common seal and power to hold land for the purpose of their constitution without license in mortmain.

(3) Six members of the Board shall be elected by each constituent authority.

**Election of
members of
Board.**

6.—(1) The first election of members of the Board by each constituent authority shall take place at a meeting of each constituent authority to be held before the first day of May, 1949, or such later date as the Minister may allow on the application of either of the constituent authorities, and the members so elected shall come into office on their election.

(2) Subject to the provisions of this order, the members of the Board shall retire from office on the first day of June in the year 1951 and in every third year thereafter.

(3) Any vacancy (other than a casual vacancy) in the representation of either constituent authority on the Board which will occur on the first day of June in any year shall, at a meeting of that constituent authority to be held before the thirty-first day of May in that year, be filled by the election by that constituent authority of a new member, whose term of office shall be three years.

(4) Except in the case of the first election of members, every member of the Board shall come into office upon the first day of June following his election, unless he is elected to fill a casual vacancy, in which event he shall come into office upon his election.

(5) A vacating member shall, subject to the provisions of this order, be eligible for re-election.

(6) The clerk of each constituent authority shall forthwith after the election of any member of the Board by that authority notify the name, address and description of the member elected—

(a) in the case of a first election, to the clerk of the other constituent authority; and

(b) in the case of each subsequent election, to the clerk.

**Tenure of
office.**

7.—(1) Except as in this order otherwise provided, a member of the Board shall hold office until the date on which his successor comes into office.

(2) A member of the Board who ceases to be a member of the constituent authority by which he was elected, or otherwise becomes disqualified, shall thereupon cease to be a member of the Board:

Provided that a member of the Board shall not be deemed to have ceased to be a member of the constituent authority by whom he was elected if on or before the day on which he goes out of office he has been re-elected a member of that authority.

(3) A member of the Board may resign his membership by sending to the clerk notice in writing of his desire to do so, whereupon a casual vacancy shall be deemed to have arisen.

(4) Sections 59, 63 and 76 of the Act of 1933 shall apply to the Board as if the Board were a local authority other than a parish council, and as if in subsections (1) and (8) of the said section 76 there were added after the word "area" the words "comprising the districts of the constituent authorities."

(5) Any member of the Board may be removed at any time by a resolution of the constituent authority by whom he was elected, and a member so removed shall cease to be a member of the Board as from the date of such resolution.

(6) Where any member becomes disqualified for holding office or vacates his office by absence or otherwise or is removed from office, the clerk shall forthwith notify the fact to the clerk of the constituent authority by whom he was elected.

(7) Any casual vacancy in the membership of the Board shall be filled as soon as practicable by the constituent authority concerned, and the member so elected shall hold office during the remainder of the term of office of the person in whose place he is elected:

Provided that it shall not be obligatory upon a constituent authority to fill any casual vacancy arising within two months before the first day of June in any year.

8. The meetings and proceedings of the Board shall be conducted in accordance with the rules set forth in the second schedule to this order. Meetings and proceedings.

9.—(1) The Board shall at their first meeting and subsequently at their annual meetings (other than the annual meeting held in the year 1949) appoint one of their number to be chairman, and the chairman shall, unless he resigns his office or ceases to be a member of the Board, continue in office until his successor is appointed: Chairman and vice-chairman.

Provided that the chairman shall be elected alternately from among the representatives of each constituent authority.

(2) The Board may at their first meeting and at any annual meeting appoint one of their number to be vice-chairman, and the vice-chairman shall, unless he resigns his office or ceases to be a member of the Board, continue in office until immediately after the election of the chairman at the next annual meeting:

Provided that the vice-chairman shall not be a representative of the constituent authority which the chairman for the time being represents.

10.—(1) The Board may appoint committees composed of their members for the exercise of any functions which in the opinion of the Board can be properly exercised by committees, but the acts of every such committee shall, unless otherwise directed by the Board, be submitted to the Board for approval: Committees.

Provided that a committee so appointed shall not be authorised to borrow money or to issue any precept for contributions or to enter into any contract.

(2) The provisions of section 96 of the Act of 1933 shall apply to the Board as if the Board were a local authority.

11.—(1) The Board shall appoint a clerk and a treasurer, who shall not be the same person, and may appoint such other officers and servants as they think requisite. Appointment and remuneration of officers &c.

(2) The Board may pay the clerk and the treasurer and other officers and servants such reasonable remuneration as they deem expedient, and the clerk, the treasurer and other officers and servants shall be removable by the Board at their pleasure.

Application
of
provisions
of Act of
1933.

12. For the purposes of their functions under this order the Board are hereby vested with all the functions, rights and liabilities of a local authority under the provisions of the Act of 1933 mentioned in the third schedule to this order, and those provisions shall apply accordingly with the necessary modifications to the Board.

PART III

Construction of Waterworks

Power to
construct
water-
works.

13. Subject to the provisions of this order, the Board may, when they shall have acquired the necessary lands, make and maintain in the lines and situations and upon the lands delineated on the signed plan the following works in the county of York, North Riding:—

In the rural districts of Northallerton and Stokesley—

Work No. 1.—An impounding reservoir (to be called “Cod Beck reservoir”) situate in the parishes of Osmotherley and Whorlton, to be formed by means of an embankment or dam situate in the said parish of Osmotherley across the Cod Beck commencing in the enclosure numbered 334 and terminating in the enclosure numbered 336 on the 1/2500 ordnance map of Yorkshire (North Riding) sheet LVII.1 (edition of 1912);

In the rural district of Northallerton—

Work No. 2.—A filter house and filters situate in the said parish of Osmotherley in the enclosure numbered 49 on the 1/2500 ordnance map of Yorkshire (North Riding) sheets LVII.5 (edition of 1912) and LVI.8 (edition of 1928).

Transfer to
Board of
powers of
the North-
allerton
Urban
District
Council
(Com-
pulsory
Purchase)
Order,
1947.

14. Subject to the provisions of this order, the Board shall as from the coming into force of this order have the powers and rights of, and be subject to the obligations contained in, the Northallerton Urban District Council (Compulsory Purchase) Order, 1947, as confirmed by the Minister, which relates to the lands required for Works Nos. 1 and 2 authorised by this order, as if the Board were named in the said compulsory purchase order instead of the council.

Works to
form part
of under-
taking.

15. Subject to the provisions of this order, the works by this order authorised to be made shall for all purposes form part of and be comprised in the undertaking.

Stopping
up track
and
footpaths.

16. The Board may stop up so much of the track and footpaths in the parish of Whorlton in the rural district of Stokesley and in the parish of Osmotherley in the rural district of Northallerton leading from Quarry Lane across the Cod Beck to the premises known as Low Mossy Grange between the points marked A—D, F—B and E—C on the signed plan, and all rights of way over and along the track and footpaths so stopped up shall be extinguished, but the Board shall not stop up the said portions of the track and footpaths until the Board have acquired the lands on both sides thereof.

PART IV

Abstraction of Water

17. In this order the expression " the appointed day " means the date of the completion of the first filling of the Cod Beck reservoir: As to appointed day.

Provided that if at any time before the first filling of the Cod Beck reservoir the Board are satisfied that they are in a position to discharge compensation water in accordance with the provisions of section 19 of this order and apply to the Minister, the Minister may appoint a date earlier than the date of the said first filling and the date so appointed shall for the purposes of this order be the appointed day.

18. Subject to the provisions of this order, the Board may take for the purposes of the undertaking all waters of the Cod Beck and of such other streams, brooks, springs and other waters as will or may be intercepted by the works by this order authorised to be constructed by the Board. Power to take waters.

19.—(1) The provisions of subsections (1) (2) (4) (5) and (6) of section 10 of the Third Schedule are hereby incorporated with this part of this order subject to the following modifications in subsection (4):— Incorporation of provisions of Part III of Third Schedule

(a) the words " or subsection (3) " shall be omitted from paragraph (b);

(b) for the words from " without prejudice to their civil liability " to the end of the subsection there shall be substituted the words " for every day on which the offence has been committed or is continued forfeit and pay to each of the persons affected thereby who may sue for and recover the same, including the River Ouse (Yorks) Catchment Board, the sum of five pounds and shall in addition make compensation for any loss, damage or injury sustained by such persons or any of them."

(2) The prescribed limits for the purposes of subsection (2) of the said section 10 shall be the limits between the foot of the embankment or dam of the Cod Beck Reservoir and a point two hundred yards in a south-south-westerly direction therefrom.

(3) The prescribed flow for the purposes of the proviso to subsection (1) of the said section 10 and the prescribed quantity of compensation water to be discharged into the Cod Beck for the purposes of the said subsection (2) shall be two hundred and thirty-three thousand gallons:

Provided that if at any time after the appointed day the Board discharge into the Oakdale Beck any quantity of water in excess of the one hundred and sixty-seven thousand gallons required by subsection (1) of section 11 of the Act of 1940 (which prescribes the quantity of water to be discharged into the Oakdale Beck), the prescribed quantity of compensation water to be discharged into the Cod Beck for the purposes of the said subsection (2) may be reduced below the said quantity of two hundred and thirty-three thousand gallons by such an amount as is equal to the excess of the quantity of water discharged into the Oakdale Beck over one hundred and sixty-seven thousand gallons, but so that the prescribed quantity of compensation water discharged into the Cod Beck for the purposes of the said subsection (2) shall never be less than sixty-seven thousand gallons.

(4) If the Minister appoints a date under section 17 of this order, the said subsection (2) as incorporated with this part of this order shall have effect as if the words " the appointed day " were therein substituted for the words " the completion of the reservoir."

For protection of the executors of J. M. Barwick deceased.

20. For the protection of the executors of John Morgan Barwick deceased and their sequels in estate or other the owners or occupiers for the time being of Thimbleby Hall, Osmotherley Mill and the fields mentioned in subsection (2) of this section all in the parish of Osmotherley (all of whom are where the context admits included in this section in the expression "the owners") the following provisions shall, unless in any case it is otherwise agreed between the owners and the Board, have effect (that is to say):—

- (1) Notwithstanding anything contained in section 19 of this order the owners shall be entitled to compensation under section 92 of the Third Schedule for any damage caused to Osmotherley Mill by reason of the diminution in the amount of water passing down the Cod Beck.
- (2) The owners shall be entitled to a free supply of untreated water not exceeding one thousand gallons in aggregate per day to the fields numbered 45, 62, 64, 67, 69, 71, 72, 133, 134A and 136 on the 1/2500 ordnance map of Yorkshire (North Riding) sheet LVII.5 (edition of 1912) at such points as shall be determined by the Board.
- (3) The Board shall provide, fix and maintain service pipes with the necessary stop cocks to enable the supply of water mentioned in the last preceding subsection to be afforded, and the Board shall provide and fix, and thereafter the owners shall maintain to the reasonable satisfaction of the Board, the necessary water troughs.
- (4) The supply to be afforded to the water troughs shall be by gravity, and the Board shall be entitled to measure the supply at or near the pipeline to be laid by the Board from the Cod Beck reservoir to the filter house authorised by section 13 of this order.
- (5) The owners shall afford to the Board at all reasonable times access for constructing, inspecting and maintaining the service pipes and other apparatus.
- (6) If the Board find that the agreed supply under subsection (2) of this section exceeds the rate of one thousand gallons per day, they shall be entitled to take such steps as they shall consider reasonable to reduce the quantity of water flowing to the water troughs so as to keep the total consumption within the maximum prescribed by that subsection.
- (7) Any difference or dispute, not being one concerning the position of the points of supply under subsection (2) of this section, which shall arise between the owners and the Board under this section shall be referred to arbitration in accordance with section 91 of the Third Schedule.

PART V

Transfer of Oakdale Undertaking

Transfer to Board of Oakdale undertaking.

21.—(1) On the appointed day the Oakdale undertaking shall by virtue of this order be transferred to and vest in the Board, freed and discharged from all charges, debts and liabilities affecting it, and shall be carried on, used, exercised and enjoyed by the Board for the purpose and according to the provisions of this order as it would or might have been carried on, used, exercised and enjoyed by the council if this order had not been made, and from and after the appointed day the Oakdale undertaking shall cease to form part of the water undertaking of the council.

(2) The council shall on the appointed day hand to the Board all plans, sections and other documents prepared for or in connection with the construction and maintenance of the Oakdale undertaking.

22. Until the appointed day the council shall maintain and carry on the Oakdale undertaking as heretofore in the ordinary course of business as part of their water undertaking, but the council shall not without the previous consent of the rural council make or enter into any new contract, agreement, liability or other obligation in respect of the Oakdale undertaking which shall extend beyond the appointed day except such as shall be in the ordinary course of maintenance and proper conduct of the Oakdale undertaking as part of the water undertaking of the council.

Obligations
on council
until
transfer.

23. The council shall be entitled to all rates, rents, profits and sums of money, and shall discharge and pay all outgoings and liabilities, in respect of the Oakdale undertaking accruing due up to, or which shall have accrued due or become payable prior to, the appointed day, and the Board shall be entitled to all rents, profits and sums of money and shall discharge and pay all outgoings and liabilities in respect of the Oakdale undertaking (not being the payment of interest upon money borrowed for the purposes of the Oakdale undertaking, sinking fund payments or the repayment of money borrowed for such purposes) which shall accrue due or become payable on and after the appointed day, and where necessary all such outgoings shall be apportioned between the council and the Board.

Provision
as to
receipts and
outgoings.

24. Subject to the provisions of this order, the Board shall as from the appointed day have the powers and rights of, and be subject to the obligations contained in, such of the provisions of the Northallerton Water Acts as are set out in the fourth schedule to this order as if the Board were named in those enactments instead of the council:

Application
to Board of
certain
powers
under
North-
allerton
Water Acts.

Provided that in subsection (15) of section 10 of the Northallerton Waterworks Act, 1909 (which requires the council to afford a supply of water for the Thimbleby Estate provided that the supply of water by the council for domestic purposes within the area of supply of the council be not thereby prejudicially affected) shall after the appointed day be read and have effect as if the first proviso thereto read "Provided that the supply of water by the Board for supply to the council for domestic purposes be not thereby prejudicially affected."

25. Notwithstanding the transfer to the Board of the Oakdale undertaking:—

Saving from
effect of
transfer.

(a) any action, arbitration or proceeding or any cause of action, arbitration or proceeding which shall at the appointed day be pending or existing against or in favour of the council, shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer, but may so far as it relates to the Oakdale undertaking be continued, prosecuted and enforced by and against or in favour of the Board as and when it might have been continued, prosecuted and enforced by against or in favour of the council if this order had not been made;

(b) except as in this order otherwise expressly provided, all agreements, conveyances, contracts, deeds and other instruments entered into or made with or by the council and in force at the appointed

day shall, so far as they relate to the Oakdale undertaking, be as binding and of as full force and effect in every respect against or in favour of the Board and may be enforced as fully and effectually as if instead of the council the Board had been a party thereto;

- (c) all books and documents which, if the transfer had not been made, would have been evidence in respect of any matter for or against the council shall be admitted in evidence in respect of the same or the like matter for or against the Board.

Transfer of
and com-
pensation
to officers
employed
at the
Oakdale
under-
taking.

26.—(1) Any officer or servant who immediately before the appointed day is employed by the council exclusively at the Oakdale undertaking (in this section referred to as a "transferred officer") shall on the appointed day be transferred to and become an officer or servant of the Board.

(2) Every transferred officer shall hold office by the same tenure and upon the same terms and conditions as immediately before the appointed day, and while performing similar duties, shall receive in respect thereof not less salary or remuneration than that to which he would have been entitled if this order had not been made.

(3) Any compensation payable under section 44 of the Act of 1945 shall be paid by the Board.

PART VI

Supply of Water &c.

Main-
tenance of
transferred
works &c.

27. The Board may as from the appointed day—

- (1) maintain, repair, renew, alter, enlarge and extend the reservoirs, mains, pipes and other works transferred to them by virtue of this order;
- (2) take and use any water which might have been taken by the council by means of the Oakdale undertaking if this order had not been made.

Supply of
water to
constituent
authorities.

28.—(1) From and after the appointed day the Board shall (subject to the provisions of this order) supply water to the constituent authorities in accordance with the following provisions:—

- (a) the council shall be entitled to be supplied with water by the Board to a total quantity not exceeding in any one day of twenty-four hours four hundred and twenty-five thousand gallons;
- (b) the rural council shall be entitled to be supplied with water by the Board to a total quantity not exceeding in any one day of twenty-four hours three hundred and twenty-five thousand gallons;
- (c) subject to the provisions of section 31 of this order, the constituent authorities shall be entitled to be supplied by the Board with surplus water at the disposal of the Board in such proportions as the Board may determine;
- (d) the water to be supplied by the Board to each constituent authority shall be filtered water of pure and wholesome quality and suitable for all domestic purposes, and shall, unless otherwise agreed between the Board and the constituent authority, be supplied in accordance with the provisions contained in the fifth schedule to this order.

(2) If the Board are in a position to supply water to the rural council before the appointed day, the quantity of water to which the rural council shall be entitled prior to the appointed day and the terms on which such supply shall be given shall be agreed between the respective consulting engineers for the time being of the Board and the rural council, and any disagreement between the said engineers shall be deemed to be a dispute between the Board and the rural council and shall be referred to arbitration.

29. If at any time the quantity of water at the disposal of the Board is insufficient to enable the Board to fulfil their obligations for the supply of water to the constituent authorities under the foregoing provisions of this part of this order, the Board shall make a reduction in the respective quantities of water with which each of the constituent authorities are supplied as the Board may determine.

Abatement on shortage of supply.

30. From and after the date of this order, neither constituent authority shall without the consent of the Board, or if the consent of the Board be withheld without the consent of the Minister after inquiry, obtain or seek to obtain any new source for the supply of water, or develop any existing source so as to obtain a larger supply of water than the supply properly available therefrom at the date of this order by means of the then existing works of the constituent authority.

Constituent authorities not to increase their sources of supply.

31. Neither constituent authority shall at any time after the date of this order without the consent of the Board, or if the consent of the Board be withheld without the consent of the Minister after inquiry, supply to any local authority, body, company or person beyond or for use beyond the constituent area of the constituent authority any water supplied to that authority by the Board.

Restriction on supply in bulk by constituent authorities.

PART VII

Financial and Miscellaneous

32.—(1) Before the commencement of every financial year, or as soon thereafter as may be practicable, the Board shall ascertain and determine the amount of money required by them for all expenditure (other than capital expenditure) which will be incurred during the year for any of the purposes set out in subsection (1) of the next succeeding section of this order, and after deducting therefrom the amount of any moneys to be received by the Board under subsection (15) of section 10 of the Northallerton Waterworks Act, 1909, and any other moneys (other than capital moneys) to be received by the Board in respect of the undertaking, shall apportion the balance remaining between the constituent authorities in accordance with the provisions of this section.

Apportionment of expenditure between constituent authorities.

(2) The Board shall apportion the said balance between the constituent authorities in the following proportions:—

- (a) to the extent of the amount payable for interest upon and for the repayment of money borrowed by the Board for the purchase of lands and easements for and for the construction of the Cod Beck reservoir and the pipe lines, as to thirty-two per centum on the council and as to sixty-eight per centum on the rural council;
- (b) to the extent of the amount payable for interest upon and for the repayment of money borrowed by the Board for the purchase of lands for and for the construction of the filter house and filters (Work

No. 2) by this order authorised and the meters provided under the fifth schedule to this order, as to fifty-seven per centum on the council and as to forty-three per centum on the rural council;

- (c) to the extent of the amount payable for interest upon and for the repayment of money borrowed by the Board in the purchase of lands and easements for and for the construction of additional works of supply (other than the works mentioned in paragraphs (a) and (b) of this subsection) which have been or are being carried out at the request of the constituent authorities or either of them for the purpose of providing an increase in the quantities or quantity of water to which the constituent authorities or authority are or is entitled under paragraphs (a) and (b) of subsection (1) of section 28 of this order, in proportion to the amounts or amount of such increased quantities or quantity of water made or to be made available to the constituent authorities or authority;
- (d) as to the remainder of the said balance, in proportion to the estimated quantities of water to be supplied to the constituent authorities in that financial year:

Provided that all expenditure of the Board which is incurred before the appointed day and which does not come within paragraphs (a) and (b) of this subsection shall be apportioned equally between the constituent authorities.

(3) At the end of each financial year any necessary adjustment shall be made in the accounts of the Board so as to ensure that the apportionment of expenditure for that year under paragraph (d) of the last foregoing subsection was in proportion to the actual quantities of water supplied to the constituent authorities in that year, and the amounts overpaid or underpaid, as the case may be, shall be carried forward by the Board in their accounts to the credit or debit of the constituent authorities respectively, and the amounts so credited or debited to a constituent authority shall be deducted from or added to the sum due by that authority to the Board under this section in the next following financial year.

(4) If at the end of any financial year the accounts of the Board shall show that the revenues received by the Board in that year have exceeded or have been insufficient to meet the expenditure incurred by the Board in that year (other than capital expenditure) the amount of such surplus or deficiency shall be apportioned by the Board in accordance with paragraphs (a) (b) (c) and (d) of subsection (2) of this section (subject to any apportionment under paragraph (d) being based on the actual quantities of water supplied to the constituent authorities in that year) and the amounts so apportioned shall be carried forward by the Board in their accounts to the credit or debit, as the case may be, of the constituent authorities respectively, and the amounts so credited or debited to a constituent authority shall be deducted from or added to the sum due by that authority to the Board under this section in the next following financial year.

(5) The Board shall issue precepts to the constituent authorities for the sums apportioned in pursuance of this section and each constituent authority shall within three months from the receipt of a precept, or by instalments of such sums and payable within such times as may be specified in the precept, pay to the Board the sum specified in the precept.

(6) Any sum mentioned in a precept issued by the Board to a constituent authority under this section shall be raised and paid by that authority out of the revenues of their water undertaking or out of the general fund and general rate of their district.

(7) Any sum mentioned in a precept issued by the Board to a constituent authority under this section, or any instalment of any such sum which may have been specified in any precept, which is not paid by that authority within the time in which it was payable shall be a debt due to the Board from that authority, and shall bear interest until payment at the rate of five per centum per annum, and the Board may sue the defaulting constituent authority for the amount unpaid in any court of competent jurisdiction, without prejudice however to the right of the Board to exercise any powers conferred on them by section 13 of the Rating and Valuation Act, 1925.

15 & 16
Geo. 5. c. 90.

(8) Any receiver appointed under the Act of 1933 upon the application of a mortgagee of the Board shall be entitled so long as his appointment remains to receive the amounts so apportioned by the Board between the constituent authorities and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amount so apportioned.

33.—(1) All moneys received by the Board in respect of the undertaking except—

Application
of moneys
received by
Board.

(a) borrowed money;

(b) money arising from the disposal of lands;

(c) other capital money received by them in respect of the undertaking;

shall be applied by them—

first in payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties and damages incurred or payable by the Board consequent upon any proceedings by or against them, their officers or servants in relation to the undertaking;

secondly in payment of the interest on money borrowed by the Board;

thirdly in providing the requisite appropriations, instalments or sinking fund payments in respect of moneys borrowed by the Board;

fourthly in payment of all other expenses of executing this order, not being expenses properly chargeable to capital;

fifthly in extending improving and constructing (if the Board think fit) any works for the purpose of the undertaking;

sixthly in providing working capital (if the Board think fit);

lastly in setting apart (if the Board think fit) money for a reserve fund under the next succeeding section.

(2) All capital moneys received by the Board in respect of the undertaking shall be applied by them in the reduction of capital moneys borrowed by them or in such other manner as the Minister may approve.

34.—(1) The Board may, subject to the provisions of this section, by setting apart in any year out of revenue such sums as they think fit, form and maintain a reserve fund for the purpose of meeting any extraordinary claim or demand which may at any time be made upon them or defraying the cost of renewing, repairing, enlarging or improving any part of the works forming part of the undertaking.

Reserve
fund.

(2) Any sums so set apart for the formation or maintenance of a reserve fund may from time to time be invested in statutory securities, and, subject to the provisions of the next following subsection, the dividends and interest arising from such securities may also be invested in the same or like securities so as to accumulate at compound interest for the credit of the fund.

(3) Whenever, and so long as, the amount standing to the credit of the reserve fund amounts to a sum equal to ten per cent. of the capital expenditure theretofore incurred by the Board and by the constituent authorities upon the undertaking, no contributions from the revenue of the undertaking shall be made to the fund, and the interest and dividends on the fund shall not be invested but shall be treated as the income of the undertaking.

(4) The amount which, subject to the provisions of the last foregoing subsection, may be carried by the Board in any year to the formation or maintenance of the reserve fund shall not exceed a sum equal to one per cent. of the capital expenditure theretofore incurred by the Board and by the constituent authorities upon the undertaking.

Working capital.

35. In addition to the purposes mentioned in section 195 of the Act of 1933 for which money may be borrowed, the Board may with the consent of the Minister borrow such sums as may be required for working capital.

Inspection and audit of accounts.

36. The accounts of the Board shall at all reasonable times be open to inspection and transcription without payment by any member or officer of either constituent authority duly authorised for that purpose, and shall be subject to audit by a district auditor.

Abstract of accounts and auditor's report.

37. A copy of the abstract of the accounts of the Board and of any report made by the auditor to the Board shall be sent by the Board to each constituent authority as soon as may be after the completion of the audit.

Settlement of disputes.

38. Subject to the provisions of subsection (2) of section 8 of the Act of 1945 and of this order, any dispute arising in connection with the provisions of this order between the Board and any constituent authority or between the constituent authorities shall be referred to arbitration.

Application of section 265 of Public Health Act, 1875.

39. Section 265 of the Public Health Act, 1875 (which affords protection to local authorities, their members and officers from personal liability) shall extend and apply to the purposes of this order as if the said section were re-enacted in this order.

38 & 39 Vict. c. 55. Costs of orders.

40. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for and obtaining and making of this order and the Northallerton Water Order, 1949, and to the preparing, making and confirmation of the Northallerton Urban District Council (Compulsory Purchase) Order, 1947, incurred by the Council shall be repaid by the Board, and shall be deemed to be expenditure within the proviso to subsection (2) of section 32 of this order.

Repeal.

41. As from the appointed day the following provisions of the Northallerton Water Acts shall be repealed:—

Northallerton Waterworks Act, 1891—

So much of section 6 (power to make waterworks) section 11 (period for compulsory purchase of lands) and section 13 (period for completion of works) as relates to Works Nos. 1, 2 and 6 authorised by the said section 6;

Section 8 (power to deviate).

Northallerton Waterworks Act, 1909—

Section 4 (power to make waterworks);

Section 5 (power to deviate);

Section 6 (council may acquire easements only in certain cases);

Section 14 (period for compulsory purchase of lands);

Section 15 (limitation of powers as to certain lands);

Section 17 (power to agree as to drainage of lands &c.);

Section 18 (power to hold lands for protection of waterworks);

Section 19 (for prevention of plumbism).

The Act of 1940—

So much of subsection (2) of section 5 (power to make waterworks) as relates to Work No. 1 authorised by that section.

FIRST SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO THE WATER ACT, 1945, INCORPORATED

Provisions incorporated

Modifications

I

2

Section 1 (definitions, &c.).

Section 2 (permissible limits of deviation).

For the words " plans submitted to the Minister " there shall be substituted the words " the signed plan ".

Section 3 (limit on powers of undertakers to take water).

Section 4 (general power to construct subsidiary works).

Section 5 (power of undertakers to lay or erect telephone wires, &c.).

Section 6 (penalty for obstructing construction of works).

Section 8 (persons under disability may grant easements, &c.).

Section 9 (extinction of private rights of way).

Part IV (minerals underlying water works).

Section 19 (power to lay mains).

Section 20 (conditions as to laying mains outside limits of supply).

Part VI (breaking open streets, &c.).

For the words " limits of supply " there shall be substituted the words " the constituent areas ".

In section 22, references to the limits of supply shall be construed as references to the constituent areas.

Subsection (2) of section 65 (penalties for misuse of water).

Section 82 (power to enter premises).

Section 83 (penalty for obstructing execution of special Act).

Section 85 (summary proceedings for offences).

Section 87 (restriction on right to prosecute).

Section 91 (mode of reference to arbitration).

Section 92 (liability of undertakers to pay compensation).

Section 93 (protection for works of navigation authorities and for catchment boards and railways).

Section 94 (copies of special Act to be kept by undertakers in their office, and deposited with certain officers).

SECOND SCHEDULE

RULES AS TO MEETINGS AND PROCEEDINGS

1. The first meeting of the Board shall be convened at the offices of the council by the clerk of the council on such date (not being later than one month after the constitution of the Board) as that clerk shall appoint.

2.—(1) The Board shall in every year hold an annual meeting and at least three other meetings for the transaction of general business, which as near as may be shall be held at regular intervals.

(2) The first meeting held after the thirty-first day of May in any year shall be the annual meeting.

3.—(1) On a casual vacancy occurring in the office of chairman or vice-chairman of the Board, the vacancy shall be filled by the appointment by the Board, subject to the provisions of this order, of one of their number at a meeting held as soon as practicable after the vacancy occurs, and where the office vacant is that of chairman the meeting may be convened by the clerk.

(2) The person appointed under this rule to fill a casual vacancy shall hold office until the date upon which the person in whose place he is appointed would regularly have retired, and he shall then retire.

4.—(1) At a meeting of the Board the chairman if present shall preside.

(2) If the chairman is absent from a meeting of the Board the vice-chairman if present shall preside.

(3) If both the chairman and the vice-chairman of the Board are absent such member of the Board as the members present shall choose shall preside.

5.—(1) The chairman or any three or more members of the Board may at any time by notice in writing addressed and sent to the clerk require a special meeting of the Board to be convened and the clerk shall convene a meeting accordingly.

(2) Three clear days at least before a meeting of the Board—

(a) notice of the time and place of the intended meeting shall be published at the offices of the Board, and where the meeting is called by members of the Board the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the clerk, shall be left at or sent by post to the usual place of residence of every member of the Board:

Provided that—

(i) want of service of the summons on any member of the Board shall not affect the validity of a meeting;

(ii) no business shall be transacted at a meeting called by members of the Board other than that specified in the notice thereof.

6. No business shall be transacted at a meeting of the Board unless at least seven members are present thereat.

7. A copy of the minutes of proceedings at each meeting of the Board shall be sent to the clerk of each constituent authority for the information of that authority within fourteen days after the date of the meeting.

8. The provisions of paragraphs 1 to 5 of Part V of the Third Schedule to the Act of 1933 shall apply to the Board as if the Board were a local authority and as if for references therein to the said Act there were substituted references to this order.

THIRD SCHEDULE

PROVISIONS OF THE ACT OF 1933 APPLIED TO THE BOARD

<i>Sections</i>	<i>Subject Matter</i>
Sections 119 to 123.	Officers.
Sections 195 to 200, 202 to 216 and 218.	Borrowing.
Sections 253, 254, 256 and 258.	Promotion of and opposition to local Bills.
Section 266.	Contracts.
Sections 277 and 278.	Legal proceedings.
Section 289.	Penalty for destroying notices, &c.

FOURTH SCHEDULE

PROVISIONS OF NORTHALLERTON LOCAL ENACTMENTS APPLIED TO THE BOARD

NORTHALLERTON WATERWORKS ACT, 1891

Section 5 (power to take water).

NORTHALLERTON WATERWORKS ACT, 1909

Section 9 (power to take water subject to existing provisions as to compensation water) as amended by section 77 of the Act of 1940.

Section 10 (for protection of John Storey Barwick).

Subsections (5) and (6) of section 11 (for protection of Allan William Boville Leonard George Poynton Boville and Hodgson Foxton).

Section 13 (compensation).

THE ACT OF 1940

So much of subsection (1) of section 5 (power to make waterworks) section 6 (limits of deviation) section 7 (time for completion of works) and section 13 (for protection of River Ouse (Yorks) Catchment Board) as relates to Work No. 1 authorised by the said section 5.

Section 10 (power to take waters).

Section 11 (as to compensation water).

FIFTH SCHEDULE

PROVISIONS RELATING TO THE SUPPLY OF WATER TO THE CONSTITUENT AUTHORITIES

1. The water to be supplied by the Board to the constituent authorities shall be delivered—

(a) in the parish of Osmotherley, at two parallel points in the filter house (Work No. 2) by this order authorised;

(b) at a pressure afforded by gravitation from the works authorised by this order or from the Oakdale undertaking.

2. At or near each point of delivery of water to the constituent authorities under this schedule, the Board shall provide, fix and maintain, and whenever necessary repair and renew, efficient and suitable self-recording meters (including any subsidiary apparatus in connection with such meters) for measuring the quantity of water to be supplied by the Board to the constituent authorities, and the Board shall at all times keep every such meter in proper condition and working order.

3.—(1) Each meter shall be the property of the Board.

(2) Each of the said parties shall, whenever so requested by the other or by the other constituent authority, afford to the other reasonable facilities for inspecting the said meter and taking copies of the records thereof.

(3) The constituent authorities shall at all times afford to the Board such facilities as the Board may require for maintaining, repairing and renewing the said meters and keeping them in proper condition and working order.

4. For the purpose of calculating the quantities of water supplied by the Board to a constituent authority under this order, the quantity of water recorded by any meter to be provided by the Board as aforesaid as having been taken by that constituent authority in any period shall be deemed (except in the event of any manifest error or as otherwise expressly provided by this schedule) to be the quantity taken by them in that period, and any fractional part of one thousand gallons shall be reckoned as a complete thousand gallons.

5. If at any time any such meter shall cease to register correctly or shall be removed for the purpose of repair, renewal or for any other reason, then (until the said meter shall be repaired or replaced so as to register correctly the quantity of water passing through it, and except as otherwise expressly provided by this schedule) the daily quantity of water supplied to the constituent authority concerned shall be deemed to be equal to the average daily quantity of water supplied to that constituent authority during the corresponding period of the preceding year.

6. As soon as practicable after the 30th day of June, 30th day of September, 31st day of December and 31st day of March in each financial year each such meter shall be inspected and the records thereof shall be taken by an officer of the Board together with one officer of each of the constituent authorities, and the Board shall thereupon make up an account showing the quantity of water taken (or, where expressly so provided by this schedule, deemed to be taken) by each constituent authority during the preceding three months.

Given under the official seal of the Minister of Health this twenty-fourth day of March, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer.
Under Secretary,
Ministry of Health.

WATER, ENGLAND AND WALES

The Swansea Corporation (Waterworks) Order, 1948

Made - - - - 5th November, 1948

Coming into Operation 1st May, 1949

1207W.

The Minister of Health, in exercise of the powers conferred on him by sections 23 and 26 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the Swansea Corporation (Waterworks) Order, 1948. Citation.

2. In this order, unless the subject or context otherwise requires, expressions to which meanings are assigned by the Water Act, 1945, or by the Third Schedule thereto have the same respective meanings, and— Interpretation.

“ the deposited plans ” and “ the deposited sections ” mean the plans and sections marked “ Swansea Corporation (Waterworks) Order, 1948 ” which have been signed by the Chairman of the Welsh Board of Health and deposited at the office of that Board;

“ the Third Schedule ” means the Third Schedule to the Water Act, 1945;

“ the Undertakers ” means the Mayor, Aldermen and Burgesses of the County Borough of Swansea;

“ the Usk Reservoir ” means the Usk Reservoir (Work No. 1) authorised by this order;

“ the water undertaking ” means the water undertaking of the Undertakers for the time being authorised by any enactment.

3. For the purposes of this order the provisions of the Third Schedule which are set out in the first column of the schedule to this order shall, subject to the modifications set out in the second column thereof, apply to the water undertaking. Application of provisions of the Third Schedule.

4.—(1) Subject to the provisions of this order, the Undertakers may, when they shall have acquired the necessary lands or obtained sufficient rights therein, make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections, and upon the lands delineated on those plans, the following works:— Power to construct works.

Work No. 1—an impounding reservoir (to be called “ the Usk Reservoir ”) to be situate in the parishes of Myddfai in the rural district of Llandilo in the county of Carmarthen and Traian-Glas in the rural district of Brecknock in the county of Brecknock and to be formed by a dam across the River Usk;

Work No. 2—an intake and weir on the stream known as Nant Henwen in the said parishes of Myddfai and Traian-Glas;

Work No. 3—an aqueduct (in tunnel) in the said parish of Myddfai commencing at a point 570 yards or thereabouts north-west of the premises known as Pentre-bach and terminating in the enclosure numbered 1812 on the 1/2500 ordnance map of Carmarthenshire (sheet XXVII—11, second edition of 1906) at a point 280 yards or thereabouts south-east of the premises known as Cwm-nant-y-beudy;

Work No. 4—a service reservoir in the county borough of Swansea in the enclosure numbered 925 on the 1/2500 ordnance map of Glamorgan (sheet XXIII—7, edition of 1918);

Work No. 5—a service reservoir in the county borough of Swansea in the enclosures numbered 1088 and 1089 on the 1/2500 ordnance map of Glamorgan (sheet XV—9, edition of 1917);

Work No. 6—a track in the said parish of Myddfai commencing in the existing track at the premises known as Aber-Henwen-fach passing through the northerly extremity of the dam of the Usk Reservoir and terminating in the existing track at the premises known as Trawslwyn-du;

Work No. 7—a track in the said parish of Traian-Glas commencing at the Usk Ford south of the premises known as Aber-Henwen-fawr passing through the southerly extremity of the dam of the Usk Reservoir and terminating in the existing track at a point 300 yards or thereabouts south of the premises known as Pentre-bach-Gwern-wyddog.

(2) The said tracks (Works Nos. 6 and 7) shall be suitable for wheeled vehicles and each of the said tracks shall, unless and until it is taken over by the highway authority, be maintained by the Undertakers in a state suitable for such vehicles.

In this subsection “ the highway authority ” means, in relation to the track described in the foregoing subsection as Work No. 6, the Carmarthenshire County Council, and, in relation to the track described in the last foregoing subsection as Work No. 7, the Brecknockshire County Council.

Works to form part of water undertaking.

5. Subject to the provisions of this order, the works authorised by this order shall for all purposes form part of the water undertaking.

Period for completion of works.

6. If the works authorised by this order and shown upon the deposited plans and sections are not completed on or before the first day of July, 1958, then as from that date the powers by this order granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much of any of them as shall then be completed.

Power to stop up roads ways and tracks.

7.—(1) The Undertakers may stop up—

(a) so much of the road, way or track in the said parish of Myddfai leading from the premises known as Trawslwyn-du to the premises known as Aber-Henwen-fach as lies between the points marked “ Point A ” and “ Point B ” respectively on the deposited plans;

(b) so much of the road, way or track in the said parishes of Myddfai and Traian-Glas leading south from the road, way or track (a) hereinbefore described and passing the premises known as Pentre-bach and Pentre-bach-Gwern-wyddog as lies between the points marked “ Point C ” and “ Point D ” respectively on the deposited plans;

- (c) so much of the road, way or track in the said parishes of Myddfai and Traian-Glas leading west from the premises known as Pentrebach to the junction with the road, way or track (e) hereinafter described as lies between the points marked " Point E " and " Point F " respectively on the deposited plans;
- (d) so much of the road, way or track in the said parish of Traian-Glas leading south-east from the premises known as Blaen-Wysg as lies between the points marked " Point G " and " Point H " respectively on the deposited plans;
- (e) so much of the road, way or track in the said parish of Myddfai leading south-west from the premises known as Cwm-enau through the premises known as Blaen-y-ddol as lies between the points marked " Point I " and " Point J " respectively on the deposited plans;
- (f) so much of the road, way or track leading south-east from the road, way or track between the premises known as Cwm-enau and the premises known as Tir-cyd as lies between the points marked " Point K " and " Point L " respectively on the deposited plans;
- (g) so much of the road, way or track leading south from the road, way or track (c) hereinbefore described as lies between the points marked " Point M " and " Point N " respectively on the deposited plans;

Provided that the Undertakers shall not stop up any of the portions of the said roads, ways or tracks (a) and (b) hereinbefore described until the diversions (Works Nos. 6 and 7) authorised by this order are completed and opened for public use.

(2) As from the completion and opening for public use of the diversions authorised by this order all rights of way over and along the existing portions of the roads, ways or tracks (a) and (b) described in subsection (1) of this section shall be extinguished and the Undertakers may appropriate and use for the purposes of the water undertaking the sites of the portions of the said roads, ways or tracks stopped up so far as the same are bounded on both sides by lands of the Undertakers.

(3) As from the stopping up by the Undertakers in accordance with subsection (1) of this section of the portions of the roads, ways or tracks (c), (d), (e), (f) and (g) described in subsection (1) of this section, all rights of way over or along such portions shall be extinguished and the Undertakers may appropriate and use for the purposes of the water undertaking the sites of the portions of the said roads, ways or tracks stopped up so far as the same are bounded on both sides by lands of the Undertakers.

8. Subject to the provisions of this order, the Undertakers may, for the purposes of the water undertaking, by means of the Usk Reservoir impound and take the waters of all rivers and streams flowing into such Reservoir, and by means of the intake and weir (Work No. 2) authorised by this order take water from the Nant Henwen. Power to take waters.

9.—(1) The provisions of section 10 of the Third Schedule are hereby incorporated with this order, subject to the modification that in subsection (3) the words " the quantity of water taken and " and the words " in excess of the quantity authorised to be taken or " shall be omitted. Incorporation of section 10 of the Third Schedule.

(2) In subsection (1) of the said section 10 "prescribed flow" in relation to the River Usk during the construction of the Usk Reservoir shall mean a rate of three million gallons in twenty-four hours.

(3) The prescribed limits for the purposes of subsection (2) of the said section 10 shall be the limits between the confluence of the Nant Henwen with the River Usk and a point 800 yards below the downstream toe of the dam of the Usk Reservoir.

(4) The prescribed quantity of compensation water for the purposes of subsection (2) of the said section 10 shall be 1,900,000 gallons or as respects any period as respects which the Usk Board of Conservators (hereafter in this subsection referred to as "the Board") request the Undertakers to discharge a less quantity, the quantity so requested; so however that this quantity shall not be less than 1,250,000 gallons and that the quantity of compensation water discharged during any year reckoned from the first day of April shall not be less than 693,500,000 gallons.

The Board shall give not less than forty-eight hours' notice in writing to the Undertakers of a request under this subsection.

The Undertakers shall comply with all reasonable requests by the Board under this subsection and any question whether or not a request is reasonable shall be determined by arbitration.

(5) In subsection (3) of the said section 10 "prescribed flow" in relation to the Nant Henwen shall mean a rate of 50,000 gallons in twenty-four hours.

SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO WATER ACT, 1945, APPLIED

Provisions applied	Modifications
Section 2 (permissible limits of deviation).	For the words "the plans submitted to the Minister" there shall be substituted the words "the deposited plans" and for the words "the said plans" wherever they occur there shall be substituted the words "the deposited sections."
Section 4 (general power to construct subsidiary works).	The words from the beginning of the section to the words "abstract water" shall be omitted, and for the words "any land for the time being held by them in connection with their water undertaking" there shall be substituted the words "the lands delineated on the deposited plans."
Section 5 (power of undertakers to lay or erect telephone wires, etc.).	_____
Section 6 (penalty for obstructing construction of works).	_____

SCHEDULE—*continued.*

Provisions applied	Modifications
Section 7 (power to acquire easements for underground works).	The section shall apply as originally enacted and not as amended by the Water Act, 1948.
Section 8 (persons under disability may grant easements, etc.).	_____
Section 9 (extinction of private rights of way).	For the word " land " where that word first occurs there shall be substituted the words " any land delineated on the deposited plans."
Part IV (minerals underlying waterworks).	In section 12, for the words " after this section is incorporated with their enactments " there shall be substituted the words " under the special Act "; for the words " all existing pipes or other conduits for the collection, passage or distribution of water and underground works belonging to them " there shall be substituted the words " all such pipes or other conduits or underground works "; and the words " for the time being belonging to them " shall be omitted.
Part V (power to lay mains, etc.) except section 21.	_____
Part VI (breaking open streets, etc.).	_____
Section 91 (mode of reference to arbitration).	_____
Section 92 (liability of undertakers to pay compensation).	_____
Section 93 (protection for works of navigation authorities and for catchment boards and railways).	_____
Section 94 (copies of special Act to be kept by undertakers in their office, and deposited with certain officers).	_____

Given under the official seal of the Minister of Health this fifth day of November, nineteen hundred and forty-eight.

(L.S.)

Geoffrey Crawshaw.
Chairman,
Welsh Board of Health.

1949 No. 909

WATER, ENGLAND

The South Sussex Area (Conservation of Water) Order, 1949

<i>Made - - - -</i>	<i>4th April, 1949</i>
<i>Coming into Operation</i>	<i>10th May, 1949</i>

M.H.107,890.

The Minister of Health, in exercise of the powers conferred on him by section 14 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the South Sussex Area (Conservation of Water) Order, 1949.

2. In this order the expression “the Portsmouth Area” means the area defined by the Portsmouth Area (Conservation of Water) Order, 1948(b).

3. The area consisting of the districts and parts of districts specified in the schedule to this order is hereby defined as an area to which the provisions of section 14 of the Water Act, 1945, are to apply.

SCHEDULE

Districts and parts of districts comprised in the Area

The county boroughs of Brighton and Eastbourne.

In the county of West Sussex—

- the borough of Worthing ;
- the urban districts of Shoreham by Sea and Southwick ;
- so much of the urban district of Littlehampton as is not included in the Portsmouth Area ;
- the rural district of Chanctonbury, except the parish of Shermanbury and so much of the rural district as is included in the Portsmouth Area ;
- so much of the rural districts of Petworth and Worthing as is not included in the Portsmouth Area.

In the county of East Sussex—

- the boroughs of Hove and Lewes ;
- the urban districts of Newhaven, Portslade-by-Sea and Seaford ;
- the rural district of Chailey, except the parishes of Chailey, Newick and Wivelsfield ;
- in the rural district of Cuckfield, the parishes of Albourne, Clayton, Fulking, Hurstpierpoint, Keymer, Newtimber, Poynings and Pyecombe ;
- in the rural district of Hailsham, the parishes of Alciston, Alfriston, Arlington, Berwick, Chalvington, Eastdean, Folkington, Friston, Jevington, Laughton, Litlington, Lullington, Polegate, Ripe, Selmeston, Westdean, Willingdon and Wilmington.

Given under the official seal of the Minister of Health this fourth day of April, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Wells Corporation Water Order, 1949

Made - - - -	13th May, 1949
Coming into Operation	13th May, 1949

M.H.109271

The Minister of Health, in exercise of the powers conferred on him by section 23 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Wells Corporation Water Order, 1949.

(2) The Wells Corporation Water Act, 1901(b), and this order may be cited together as the Wells Corporation Water Act and Order, 1901 and 1949.

2. In this order, unless the context otherwise requires—

“the Undertakers” means the mayor, aldermen and citizens of the city of Wells;

“the undertaking” means the water undertaking of the Undertakers as for the time being authorised by any enactment;

“the 1928 pumping station” means the well and borehole, pump house and pumping station constructed by the Undertakers and situated on the land described in the first schedule to this order;

“the new pumping station” means the well and pumping station the construction of which is authorised by this order;

“enactment” has the same meaning as in the Water Act, 1945.

3.—(1) The Undertakers may continue and maintain the 1928 pumping station.

(2) The Undertakers may make and maintain a new well and pumping station on the land described in the first schedule to this order.

(3) The Undertakers may on and under the land described in the first schedule to this order make and maintain (in addition to the works authorised by section 4 of the Third Schedule to the Water Act, 1945, as applied to the undertaking by this order) all such wells, bores, adits and headings as may be necessary or expedient for augmenting or improving the supply of water obtainable by means of the 1928 pumping station and the new pumping station.

4. The Undertakers may take for the purposes of the undertaking any underground waters (not being waters flowing in a defined channel) which may be intercepted by the 1928 pumping station or the new pumping station.

5. The 1928 pumping station and the new pumping station shall for all purposes be deemed to form part of the undertaking, and any wells, bores, adits or headings constructed in pursuance of this order in connection with either of the said pumping stations shall for all purposes be deemed to be part of that pumping station.

(a) 8 & 9 Geo. 6. c. 42.

(b) 1 Edw. 7. c. cxcvi.

6. For the purposes of this order, the provisions of the Third Schedule to the Water Act, 1945, which are specified in the first column of the second schedule to this order shall, subject to the modifications set out in the second column thereof, apply to the undertaking.

FIRST SCHEDULE

LAND ON WHICH WORKS MAY BE CONTINUED OR CONSTRUCTED AND MAINTAINED UNDER THIS ORDER

Land belonging to the Undertakers in the parish and city of Wells in the county of Somerset comprising part of the enclosure numbered 204 in the parish of Wells on the ordnance map (scale 1/2500) Somerset sheet XLI.5 (edition of 1930) comprising an area of 7.751 acres and being bounded on the north side by Rowdens Road, on the east by Alfred Street, on the south by a wall running from the laundry in a westerly direction, on the west by the Cheese Factory and on the north-west by houses fronting Glastonbury Road.

SECOND SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO THE WATER ACT, 1945, APPLIED

Provision applied	Modifications
Section 4 (general power to construct works).	The words from the beginning of the section to the words "abstract water" shall be omitted and for the words "any land for the time being held by them in connection with their water undertaking" there shall be substituted the words "the land described in the special Act".
Section 94 (copies of special Act to be kept by undertakers in their office, and deposited with certain officers).	

Given under the official seal of the Minister of Health this thirteenth day of May, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

1949 No. 1014

WATER, ENGLAND

The Metropolitan Water Board (Term of Office) Order, 1949

Made - - - - - 23rd April, 1949
Coming into Operation 22nd May, 1949

M.H. 109115.

The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows :—

8 & 9 Geo.
6. c. 42.

1. This order may be cited as the Metropolitan Water Board (Term of Office) Order, 1949.

Citation.

2. Notwithstanding anything in paragraphs 12 and 13 of the Third Schedule to the Metropolis Water Act, 1902 (which provide respectively that the term of office of the chairman, the vice-chairman and members of the Board shall be three years, and that the members of the Board shall go out of office on the first day of June in every third year after the year 1907 and their places be filled by new appointments) the term of office of the chairman, the vice-chairman and the members of the Board respectively holding office as such immediately before the first day of June, 1949, shall be extended to the first day of November, 1949; and accordingly—

Amendment
of Third
Schedule to
Metropolis
Water Act,
1902.

2 Edw. 7.
c. 41.

(1) paragraph 4 of the said Schedule (which provides that if a person appointed to be a member of the Board is a member of the Council or one of the Councils by whom he is appointed, he shall, if he ceases for two months to be a member of that Council, at the end of that period vacate his office as a member of the Board) shall be read and have effect in relation to the year 1949 as if the following proviso were inserted at the end thereof :—

“ Provided that this paragraph shall not have effect in the case of a member of the Water Board who during the interval between the date in the year one thousand nine hundred and forty-nine of the general election of the members of the Council or of any one of the Councils by whom he was appointed and the first day of November in that year ceases to be a member of that Council ”;

(2) paragraphs 13 and 14 of the said Schedule (which provide respectively that the members of the Board shall go out of office on the first day of June in every third year after the year 1907 and their places be filled by new appointments, and that the first business at the first meeting of the Board after the first day of June in every third year after the year 1907 shall be the appointment of a chairman and vice-chairman) shall be read and have effect in relation to the year 1949 as if for the reference in each of the said paragraphs to the first day of June there were substituted a reference to the first day of November.

3. Nothing in this order shall be construed as extending the term of office of members of the Board appointed to come into office on the first day of November, 1949, beyond the first day of June, 1952.

Given under the official seal of the Minister of Health this twenty-third day of April, nineteen hundred and forty-nine.

(L.S.)

E. Russell Smith,
Under Secretary,
Ministry of Health.

WATER, ENGLAND AND WALES

The Denbigh Water Order, 1949

Made - - - - - 11th May, 1949
Coming into Operation 1st July, 1949

1262 W.

The Minister of Health, in exercise of the powers conferred on him by sections 23, 32 and 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows :—

8 & 9 Geo. 6.
c. 42.

PART I

Preliminary

1.—(1) This order may be cited as the Denbigh Water Order, 1949.

Short and
collective
titles.
26 Vict.
c. xvii;
36 Vict.
c. xlii;
45 & 46 Vict.
c. c;
5 Edw. 7.
c. cxvi.

(2) The Denbigh Waterworks Act, 1863, the Denbigh Water Order, 1873 (confirmed by the Gas and Water Orders Confirmation Act, 1873), the Denbigh Water Order, 1882 (confirmed by the Water Orders Confirmation Act, 1882), the Denbigh Waterworks Order, 1905 (confirmed by the Gas and Water Orders Confirmation (No. 1) Act, 1905) and the Denbigh Water Company (Modification of Charges) Order, 1923(a), may be cited together as the Denbigh Water Act and Orders, 1863 to 1923.

(3) The Denbigh Water Act and Orders, 1863 to 1923, and this order may be cited together as the Denbigh Water Act and Orders, 1863 to 1949.

2. This order shall come into operation on the first day of July, nineteen hundred and forty-nine, which day is referred to in this order as the commencement of this order.

Commence-
ment.

3. In this order, unless the subject or context otherwise requires, expressions to which meanings are assigned by the Water Act, 1945, or by the Third Schedule thereto have the same respective meanings, and—

Interpreta-
tion.

“the Third Schedule to the Act” means the Third Schedule to the Water Act, 1945, as amended by the Water Act, 1948;

11 & 12
Geo. 6. c. 22.

“The Undertakers” means the Denbigh Water Company;

“the undertaking” means the undertaking for the time being of the Undertakers;

“the date of conversion” means the first day of July, nineteen hundred and forty-nine, or the first day of January or the first day of July in any subsequent year as may be determined by the directors;

“the statement of capital” means the statement in the first schedule to this order;

(a) S.R. & O. 1923 No. 679.

“the existing ordinary capital” means the twelve hundred ordinary shares of ten pounds each issued at the commencement of this order, particulars of which are set forth in the statement of capital ;

“the directors” means the directors for the time being of the Undertakers ;

“the secretary” means the secretary for the time being of the Undertakers.

Incorporation of Companies Clauses Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118.

4.—(1) The Companies Clauses Consolidation Act, 1845, except sections 56 to 60 (which relate to the conversion of borrowed money into capital) and the Companies Clauses Act, 1863, except Part IV (which relates to change of name) as amended by subsequent Acts are, so far as applicable for the purposes and subject to the provisions of this order, hereby incorporated with and form part of this order.

(2) For the purpose of such incorporation the expression “special Act” where used in the said Acts shall be construed to mean this order and the term “Company” shall mean the Undertakers.

(3) The Companies Clauses Act, 1863, as so incorporated, shall have effect as if the words “and to the same amount as” in section 22 (which contains regulations as to the creation and issue of debenture stock) were omitted.

PART II

Incorporation of the Third Schedule to the Act

Incorporation of the Third Schedule to the Act.

5.—(1) On and after the commencement of this order, the Third Schedule to the Act (except sections 2, 7 and 10) shall apply to the undertaking and be incorporated with each of the Denbigh Water Act and Orders, 1863 to 1949, subject to the modifications mentioned in the succeeding subsections of this section.

(2) Section 9 of the Third Schedule to the Act shall not apply to any land which the Undertakers have before the commencement of this order been authorised to acquire compulsorily.

(3) In section 75 of the Third Schedule to the Act the word “stock” shall include shares.

Amendment of local enactments.

6.—(1) As from the commencement of this order, section 37 of the Denbigh Waterworks Act, 1863, shall have effect as follows:—

(a) for the words from “Company”, where that word first appears, to “not exceeding”, where those words first appear, there shall be substituted the words “may charge for a supply of water to any premises for domestic purposes a rate” ;

(b) for the words “any such house” there shall be substituted the words “the premises supplied” ;

(c) for the word “house”, where that word last appears, there shall be substituted the word “premises” ; and

(d) the words from “per annum”, where those words last appear, to the end of the section shall be omitted.

(2) The Denbigh Water Act and Orders, 1863 to 1923, shall have effect, as from the commencement of this order, as if they provided—

(a) that the prescribed proportion of the net annual value of any premises for the purposes of paragraph (b) of subsection (1) of section 46 of the Third Schedule to the Act should be, in the case

of premises of a net annual value mentioned in the first column of the second schedule to this order, the proportion set opposite thereto in the second column of that schedule ;

(b) that the prescribed sum for the purposes of subsection (1) of section 48 of the Third Schedule to the Act should be—

(i) in the case of water used for watering a garden of any size, the sum specified in the third schedule to this order in relation to a garden of that size ;

(ii) in the case of water used for the purposes mentioned in paragraph (b) of the said subsection, the sum of twenty-five shillings, with an additional sum of ten shillings for each vehicle kept in excess of one ;

(c) that the maximum charge for a supply of water by meter should be three shillings and threepence per thousand gallons.

PART III

Works

7.—(1) The Undertakers may make and maintain a new well and pumping station or an extension of the existing pumping station (hereinafter referred to as “ the new pumping station ”) on the land described in the fourth schedule to this order.

Power to make additional works.

(2) The Undertakers may on and under the land described in the fourth schedule to this order make and maintain (in addition to the works authorised by section 4 of the Third Schedule to the Act as applied to the undertaking by this order) all such wells, bores, adits and headings as may be necessary or expedient for augmenting or improving the supply of water obtainable by means of the new pumping station.

8. The Undertakers may take for the purposes of the undertaking any underground waters (not being waters flowing in a defined channel) which may be intercepted by the new pumping station.

Taking of water.

9. The new pumping station shall for all purposes be deemed to form part of the undertaking, and any wells, bores, adits or headings constructed in pursuance of this order in connection with the new pumping station shall for all purposes be deemed to be part of that pumping station.

New pumping station to form part of undertaking.

10. The Undertakers may continue and maintain the following works, that is to say :—

Continuance of certain works.

(1) a borehole and a tank into which water is discharged from the borehole, and

(2) a pumping station with ancillary machinery, pipes, drains and manholes,

on the land described in the fourth schedule to this order, and may also continue and maintain the supply main from the said pumping station to the boundary of the borough of Denbigh.

PART IV

Finance

11.—(1) On the date of conversion the existing ordinary capital shall be converted into eleven thousand four hundred pounds of stock (to be called “ consolidated ordinary stock ”) entitled to a maximum dividend of five pounds per centum per annum.

Conversion and consolidation of existing ordinary capital.

(2) On the date of conversion there shall by virtue of this section be created eleven thousand four hundred pounds of consolidated ordinary stock for the purposes of this section, and the consolidated ordinary stock so created shall be deemed to be fully paid up and shall be divided among and shall on the said date be vested without payment in the persons who immediately before the said date are entitled to be the holders of the existing ordinary capital according to their respective holdings as follows:—

For every one hundred pounds of existing ordinary capital entitled to a maximum dividend of ten per centum, one hundred pounds of consolidated ordinary stock, and so in proportion for every fraction of one hundred pounds of the existing ordinary capital;

For every one hundred pounds of existing ordinary capital entitled to a maximum dividend of seven per centum, seventy pounds of consolidated ordinary stock, and so in proportion for every fraction of one hundred pounds of the existing ordinary capital.

(3) The consolidated ordinary stock so to be created and divided as aforesaid shall as soon as practicable after the date of conversion be registered in the books of the Undertakers in the respective names of the persons entitled thereto and shall rank for dividend as from the date of conversion, whereupon the existing ordinary capital shall cease to bear any dividend.

Transfers of existing shares to operate as transfers of substituted stock.

12. All transfers or other dispositions of any shares in the existing ordinary capital of the Undertakers made but not registered prior to the issue to the holder thereof of the certificate of consolidated ordinary stock to which he is entitled under this order shall, notwithstanding this order, be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of consolidated ordinary stock which represent the shares thereby expressed to be transferred or disposed of and are substituted for such shares under the provisions of this order, although the instrument transferring or disposing of such shares shall describe them by the name or denomination which they had before the date of conversion; and the bequest of, or any covenant or provision of any deed or agreement relating to, any specific number of any shares in the existing ordinary capital shall be held to apply to an amount of consolidated ordinary stock equal to that into which such specific number of shares shall have been converted or which shall be substituted therefor under the provisions of this order.

Substituted stock to be held on same trusts, &c.

13.—(1) All consolidated ordinary stock of which the holders of shares in the existing ordinary capital are, pursuant to the foregoing provisions of this order, registered as holders shall be held in the same rights, upon the same trusts and subject (so far as is consistent with those provisions) to the same powers, provisions, charges and liabilities as those in, upon or subject to which the shares in the existing ordinary capital for which the consolidated ordinary stock is substituted were held immediately before the date of conversion, and shall be dealt with, applied and disposed of accordingly and so as to give effect to and not to revoke any deed, will or other instrument disposing of or affecting any shares in such existing ordinary capital.

(2) Trustees, executors, administrators and all other holders in any representative or fiduciary capacity are hereby expressly authorised to accept the consolidated ordinary stock of which they are, pursuant to

the foregoing provisions of this order, registered as holders in substitution for the shares in the existing ordinary capital held by them and may, subject to the provisions of this order, retain, dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained, disposed of or otherwise dealt with such shares in such existing ordinary capital.

14.—(1) The Undertakers shall call in and cancel the certificates of the shares in the existing ordinary capital for which consolidated ordinary stock shall be substituted by virtue of this order, and shall issue in exchange for those certificates to the respective holders thereof, free of charge, certificates of consolidated ordinary stock to the amount to which those holders are by this order respectively entitled, but no holder shall be entitled to a new certificate until he shall have delivered up to the Undertakers to be cancelled the existing certificate for which such new certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction of such existing certificate and shall have given such guarantee or indemnity in respect thereof as the directors may require. Exchange of certificates.

(2) Until the issue of new certificates, the holders of existing certificates shall, according to the amount of consolidated ordinary stock to be substituted by virtue of this order for the shares in the existing ordinary capital to which such existing certificates respectively relate, have and possess the same rights and privileges as if such existing certificates were certificates for the amount of consolidated ordinary stock so to be substituted:

Provided that if any holder of shares in the existing ordinary capital neglect or omit to send or deliver to the Undertakers his existing certificate for the period of nine months after notice in writing sent by post to his address as appearing in the shareholders' address book of the Undertakers or the register kept in lieu thereof, the Undertakers may suspend the payment of any dividend declared or made payable upon or in respect of the consolidated ordinary stock to which he is entitled until such existing certificate is delivered to the Undertakers or is proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity as aforesaid is given.

15. The Undertakers may from time to time after the date of conversion raise additional capital not exceeding in the whole ten thousand pounds by the creation and issue of further amounts of consolidated ordinary stock or by the creation and issue of preference shares or stock, or wholly or partly by one or more of those modes respectively: Additional capital.

Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this section any greater nominal amount of additional capital than shall, after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof, be sufficient to produce the sum of ten thousand pounds, and any sum so raised may be applied to the purposes of the undertaking (being purposes to which capital is properly applicable) as the Undertakers may determine.

16. Notwithstanding anything in the Denbigh Waterworks Order, 1905, the unexercised powers of the Undertakers of raising ordinary capital under the provisions of that order to the amount of four thousand nine hundred and twenty pounds may be exercised and shall be As to unexercised capital powers.

exercisable only by the creation and issue of further amounts of consolidated ordinary stock or by the creation and issue of preference shares or stock, or wholly or partly by one or more of those modes respectively.

New capital
to rank with
existing
capital of the
same class.

17. Any capital in consolidated ordinary stock or preference shares or stock created and issued by the Undertakers under sections 15 and 16 of this order shall form part of the general capital of the Undertakers, and, save as is otherwise expressly provided by this order, the holders of such consolidated ordinary stock or preference shares or stock respectively in proportion to the amount of their stock or shares shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges and incidents in all respects as if such capital were part of the consolidated ordinary stock or preference shares or stock, as the case may be, at the date of the issue of such capital.

Power to
borrow.

18.—(1) As from the date of conversion, the Undertakers may, subject to the provisions of this order but without the certificate of a justice, borrow on mortgage of the undertaking in respect of the capital created by virtue of section 11 of this order any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock by the Undertakers before the date of conversion and outstanding at the date or respective dates on which the Undertakers exercise the powers of this subsection) nine thousand two hundred and forty pounds.

(2) The Undertakers may also, subject to the provisions of this order, borrow on mortgage of the undertaking in respect of any ordinary or preference capital issued by them after the date of conversion other than under subsection (1) of this section any sum or sums not exceeding in the whole fifty per centum of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such capital:

Provided that no sum shall be borrowed in respect of any such capital until the Undertakers have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act, 1845, that the whole of the amount payable in respect of such capital at the time issued, together with the premiums (if any) realised on the issue thereof, has been fully paid up.

Debenture
stock.

19.—(1) The Undertakers may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, but notwithstanding anything therein contained—

(a) all debenture stock (other than redeemable debenture stock) created and issued by the Undertakers under this order or any former or subsequent enactment shall, subject to the provisions of any subsequent enactment, rank *pari passu*, without respect to the dates of the securities or the enactments or resolutions by which the stock was authorised ;

(b) the interest on all debenture stock, whether redeemable or otherwise and whether existing at or created and issued after the commencement of this order under this or any subsequent enactment, and the interest on all mortgages shall, subject to the provisions of any subsequent enactment, rank *pari passu* (without respect to the dates of the securities or of the enactments or

resolutions by which the stock and the mortgages were authorised) and, subject as mentioned in section 21 of this Order, have priority over all principal moneys secured by such debenture stock and mortgages.

(2) Notice of the effect of this enactment shall be endorsed on all certificates of debenture stock issued after the commencement of this order and, so far as applicable thereto, on all mortgages granted after that date.

20. The Undertakers shall not without the consent of the Minister of Health pay interest at a higher rate than five pounds per centum per annum in respect of any money borrowed or any debenture stock issued after the commencement of this order.

Limit of interest on borrowed money.

21. All money to be raised by the Undertakers on mortgage or by the creation and issue of debenture stock under the provisions of this order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this order:

Priority of money raised on mortgage or debenture stock over other debts.

Provided always that this priority shall not affect any claim against the Undertakers or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Undertakers which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock, nor shall anything in this section contained affect any claim for land taken, used or occupied by the Undertakers for the purposes of the undertaking and works of the Undertakers, or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Undertakers.

22. The principal moneys secured by all mortgages granted by the Undertakers in pursuance of the powers of any enactment before the commencement of this order and subsisting at the commencement of this order shall, during the continuance of such mortgages, have priority over the principal moneys secured by any mortgage granted by the Undertakers after the commencement of this order.

Existing mortgages to have priority.

23.—(1) The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth of the amount for the time being borrowed by the Undertakers or two thousand pounds, whichever is the less.

Appointment of receiver.

(2) Section 18 of the Denbigh Waterworks Order, 1905 (which provided for the appointment of a receiver) is hereby repealed, without prejudice to any appointment made before, or to the continuance of any proceedings pending at, the commencement of this order.

24. All moneys raised under this Order, including premiums, shall be applied only to purposes to which capital is properly applicable, and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this order shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of moneys.

Purchase and
cancellation
of Under-
takers'
securities.

25.—(1) The Undertakers may at any time purchase by agreement any debentures or debenture stock of the Undertakers at a price not exceeding the market value thereof, but for that purpose may apply only moneys for the time being in their hands which they are entitled to apply to capital purposes.

(2) Any debentures or debenture stock purchased under the provisions of this section shall be cancelled.

Minimum
holdings of
stock.

26.—(1) All consolidated ordinary stock, preference stock and debenture stock of the Undertakers shall be issued and be held in amounts of one pound or of an integral number of pounds and not otherwise and the Undertakers shall not be under any obligation to register a transfer of any consolidated ordinary stock or preference stock or debenture stock which would make the holding (if any) of the transferor or transferee an amount other than one pound or an integral number of pounds of consolidated ordinary stock or preference stock or debenture stock as the case may be.

(2) Notice of this enactment, so far as applicable, shall be stated in all certificates of consolidated ordinary stock, preference stock and debenture stock of the Undertakers (as the case may be) issued after the commencement of this order.

PART V

Administration

Meetings of
Undertakers.

27. Notwithstanding anything in the Companies Clauses Consolidation Act, 1845, the Undertakers may by a resolution of a general meeting at any time determine that the future ordinary meetings of the Undertakers shall be held once only in each year in such month as the directors may from time to time determine, and the Undertakers may from time to time in like manner alter or rescind any such resolution.

Quorum for
general
meetings.

28. As from the date of conversion, the quorum for a general meeting of the Undertakers (whether ordinary or extraordinary) shall be stockholders or shareholders to whose stock or shares voting rights are attached holding in the aggregate not less than one thousand pounds in nominal value of the capital of the Undertakers to which voting rights are attached and being present in person in number not less than five.

Voting rights.

29. At all general meetings of the Undertakers (whether ordinary or extraordinary) after the date of conversion every holder of consolidated ordinary stock or of any preference shares or stock to which voting rights are attached by the resolution creating the same shall on a show of hands be entitled to one vote and on a poll to one vote and an additional vote for each complete ten pounds of the nominal value of such capital held by him beyond ten pounds.

Proof of
majority of
votes only
required
when poll
demanded.

30. At any meeting of the Undertakers a majority of votes shall only be required to be proved if a poll be demanded at the meeting, and if a poll be not demanded at the meeting then a declaration by the chairman that the resolution has been carried or has not been carried and an entry to that effect in the book of proceedings of the Undertakers shall be sufficient and conclusive evidence of the fact, without proof of the number or proportion of votes recorded in favour of or against the resolution.

31. Notwithstanding anything in the Companies Clauses Consolidation Act, 1845, notice of all meetings of the Undertakers (whether ordinary or extraordinary) may, if the directors so determine, be given by letter sent by ordinary letter post to each shareholder instead of by public advertisement:

Notices of meetings.

Provided that the letters giving the notice shall be directed according to the registered address or other known address of each shareholder and posted not later than seven clear days before the date of the meeting.

In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and posted as a prepaid letter not later than the time prescribed in this section.

32. Notwithstanding anything in the Companies Clauses Consolidation Act, 1845, the attorney of any stockholder or shareholder duly authorised in writing may appoint a proxy to vote for and on behalf of the stockholder or shareholder and for that purpose may execute on behalf of the stockholder or shareholder the necessary form of proxy:

As to appointment of proxies.

Provided that the instrument appointing the attorney or, if it has been deposited in the Central Office of the Supreme Court, an office copy thereof shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

33.—(1) Notwithstanding anything in the Companies Clauses Consolidation Act, 1845, where several persons are jointly entitled to and registered as holders of any stock or shares forming part of the capital of the Undertakers, any one of those persons may vote at any meeting at which holders of capital of the same class are entitled to vote either personally or by proxy in respect of the capital as if he were solely entitled thereto, but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the capital shall alone be entitled to vote in respect thereof.

Joint holders.

(2) For the purposes of this section, executors or administrators of a deceased member of the Undertakers in whose name any stock or shares forming part of the capital of the Undertakers stand shall be deemed joint holders thereof.

34. The Undertakers shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any capital or mortgage or debenture stock of the Undertakers may be subject, and the provisions of section 20 of the Companies Clauses Consolidation Act, 1845, shall extend and apply to any capital or debenture stock of the Undertakers as if such capital or debenture stock were shares to which that section applies.

Undertakers not bound to regard trusts.

35. If any money is payable to a stockholder, shareholder or mortgagee or debenture stockholder being a minor, the receipt of his guardian shall be a sufficient discharge to the Undertakers.

Receipt in case of minors.

36. Notwithstanding anything in the Companies Clauses Consolidation Act, 1845, it shall not be obligatory upon the Undertakers—

Register of shareholders and shareholders' address book.

(a) to keep separately a register of stockholders and shareholders and a stockholders' and shareholders' address book, if in lieu thereof the Undertakers keep one register only containing such

particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively ; or

- (b) to authenticate by the affixing of their common seal or otherwise the register of stockholders and shareholders or any register which the Undertakers may keep in lieu thereof under the powers of this section.

Substitution
of card index
for share-
holders'
address
book.

37. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act, 1845, the Undertakers may substitute for the shareholders' address book provided under that section, or for the portion of any register which the Undertakers may keep under section 36 of this order containing such particulars as are required by the said Act to be entered in the shareholders' address book, a card or other index (of a type to be approved by the auditors of the Undertakers) containing the names and addresses of the several stockholders and shareholders of the Undertakers, and the said section 10 in its application to the Undertakers shall be read and have effect accordingly.

Closing of
transfer
books.

38.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend on any stock or shares forming part of the capital of the Undertakers and they may close the registers of transfers of mortgages and debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable ; and the directors may in any such case fix a day for the closing of any register which they are authorised to close under the provisions of this section.

(2) Seven days' notice of the closing of any such register shall be given by advertisement in a newspaper published and circulating in the limits of supply of the Undertakers, and any transfer of such capital or of mortgages or debenture stock made or lodged for registration during the time when the register of transfers of such capital or security is so closed shall, as between the Undertakers and the person claiming under the same but not otherwise, be considered as made subsequently to the declaration of any such dividend or the payment of any such interest, as the case may be.

Indemnity
before issue
of substituted
certificates,
&c.

39. Notwithstanding anything in section 13 of the Companies Clauses Consolidation Act, 1845, the Undertakers shall not be under any obligation to issue a new debenture or mortgage bond or a new certificate of any shares or stock or debenture stock or a new warrant in respect of interest or dividend in lieu of any debenture or mortgage bond, certificate or warrant lost or destroyed or alleged to be lost or destroyed until they have received from the person to whom such new debenture or mortgage bond, certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Undertakers or which the Undertakers may incur in respect of such lost or destroyed debenture or mortgage bond, certificate or warrant or the principal, interest or dividend represented thereby.

Qualification
of director.

40. As from the date of conversion, the qualification of a director (other than a director appointed by virtue of section 43 of the Water Act, 1945) shall be the possession in his own right of consolidated ordinary stock of the Undertakers to the nominal amount of not less than one hundred pounds.

41.—(1) The directors may appoint one of their body to be managing director, either for a fixed term or without any limitation as to time, and may remove or dismiss him from office and appoint another in his place.

As to
a ppointment
of managing
director.

(2) A person appointed under the provisions of subsection (1) of this section to be a managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors, but if he ceases to hold the office of director from any other cause he shall immediately cease to be managing director.

(3) The remuneration of a person appointed under the provisions of subsection (1) of this section to be a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by all or any of those modes.

(4) The directors may delegate to a person appointed under the provisions of subsection (1) of this section to be a managing director such of the powers exerciseable by the directors as they think fit, subject to such conditions as they think fit, and may from time to time withdraw or vary that delegation.

42. Notwithstanding anything in the Companies Clauses Consolidation Act, 1845, no person shall be disqualified from being a director by reason of his holding any office or place of trust or profit under the Undertakers or by reason of his being interested in any contract with the Undertakers, nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract:

Directors
holding office
under or
contracting
with the
Undertakers.

Provided that—

(a) in the case of his being or becoming interested in any contract with the Undertakers, whether such interest arises before or after his appointment as a director, the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on, if his interest then exists, or, in any other case, at the first meeting of the directors after the acquisition of his interest or after his appointment; and

(b) no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted, but this prohibition shall not apply to any contract by or on behalf of the Undertakers to give to the directors or any of them any security by way of indemnity.

For the purposes of proviso (a) to this section a general notice given to the directors by one of them to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may after the date of the notice be made with that company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made.

43. If any director shall be made bankrupt or shall go to reside abroad for a longer period than twelve months or shall become of unsound mind or shall neglect to attend the meetings of directors for a period of twelve months (unless such neglect be occasioned by illness or other reasonable cause allowed by the directors), the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

Vacation of
office of
director.

Notice of candidature of or of opposition to re-election of director.

44.—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election, no person shall be capable of being elected a director at a general meeting of the Undertakers unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the principal office of the Undertakers fourteen days at least before the day of election, and the secretary shall during such fourteen days and on the day of election keep fixed in some conspicuous place in such office a copy of every such notice so delivered.

(2) In the case of a retiring director notice of opposition to his re-election shall be given in like manner.

(3) Subject to the provisions of section 43 of the Water Act, 1945, no person shall be eligible to be elected a director at any general meeting of the Undertakers unless he shall have been the holder of the qualifying amount of consolidated ordinary stock for at least two months prior to his election.

Auditors.

45.—(1) It shall be lawful for the Undertakers at any time by resolution passed at a general meeting to decide that the accounts of the Undertakers shall be audited by a single auditor or by a firm of accountants, and notwithstanding anything in the Companies Clauses Consolidation Act, 1845, it shall not be necessary for such auditor or the members of such firm to hold any stock or share forming part of the capital of the Undertakers.

(2) No person not being a retiring auditor of the Undertakers shall be eligible to be elected at any general meeting of the Undertakers as auditor of the Undertakers unless notice be given to the secretary or left at the principal office of the Undertakers seven days at least before the date of the meeting that such person will be proposed for election as an auditor of the Undertakers; and the secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such seven days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(3) If any auditor of the Undertakers dies or resigns the directors may appoint another auditor in his place, and any auditor so appointed shall hold office until the next ordinary meeting of the Undertakers.

Directors may determine remuneration of secretary.

46. In addition to the powers which the directors may exercise under the Companies Clauses Acts, 1845 to 1889, they may determine the remuneration of the secretary.

PART VI

Miscellaneous

Repeal of local enactments.

47.—(1) As from the commencement of this order, the following provisions of the Denbigh Water Act and Orders, 1863 to 1923 (in this section referred to as “the said Act and Orders”) shall be repealed—

10 & 11 Vict.
c. 17.
26 & 27 Vict.
c. 93.

(a) so much of the said Act and Orders as incorporates the Waterworks Clauses Act, 1847, or the Waterworks Clauses Act, 1863, or any provision thereof, or as enacts that words, terms or expressions to which meanings are assigned by either of those Acts shall have in any of the said Act and Orders the same respective meanings;

(b) so much of the said Act and Orders as incorporates section 122 of the Companies Clauses Consolidation Act, 1845 (which empowered directors to set apart a fund for contingencies);

- (c) the provisions mentioned in the fifth schedule to this order ;
- (d) so much of any section of any of the said Act and Orders as incorporates with, or extends or applies to any purpose of, that Act or Order any section or part of a section mentioned in the fifth schedule to this order.

(2) Without prejudice to the operation of subsection (2) of section 38 of the Interpretation Act, 1889— 52 & 53 Vict c. 63.

- (a) all agreements and other instruments entered into or made before the commencement of this order under any provision repealed by this order by or with the Undertakers or any trustee or person acting on behalf of the Undertakers, or by or with any other person to whose rights or liabilities the Undertakers have succeeded, and in force immediately before the commencement of this order, shall be as binding and of as full force and effect in every respect against or in favour of the Undertakers, and be enforceable as fully and effectually, as if the provisions under which they were made had not been repealed ;
- (b) all regulations made by the Undertakers and in force immediately before the commencement of this order shall (subject to the provisions of subsection (6) of section 19 of the Water Act, 1945) continue in force in like manner and to the like extent as if the provisions under which they were made had not been repealed ;
- (c) all notices and demands given or made under any provision of the sections mentioned in the fifth schedule to this order and in force immediately before the commencement of this order shall continue in force in like manner and to the like extent as if the said sections had not been repealed.

48. The costs, charges and expenses incurred by the Undertakers in connection with the application for this order and the preparation and making thereof may in whole or in part be defrayed out of revenue. Costs of order.

FIRST SCHEDULE

STATEMENT OF CAPITAL

Act or Order Authorising the Raising of Capital	Description of Capital	Maximum Rate of Dividend	Number of Shares Issued	Nominal Amount of each Share	Total Paid Up including Premiums	Total Amount Authorised
The Denbigh Waterworks Act, 1863.	Ordinary shares	10%	800	£10	£8,000	£8,000
The Denbigh Water Order, 1873.	do.	10%	200	£10	£2,000	£2,000
do.	Preference shares	4½%	200	£10	£2,000	£2,000
The Denbigh Water Order, 1882.	Ordinary shares	7%	200	£10	£2,000	£2,000
The Denbigh Waterworks Order, 1905.	Preference shares	4½%	500	£10	£5,079 17 6	£5,000
do.	Ordinary shares	7%				£5,000
Totals ...					£19,079 17 6	£24,000

SECOND SCHEDULE

Proportions in which rate is to be charged in the case of premises specified in section 46 (1) (b) of the Third Schedule to the Act:—

Not exceeding £15	100 per cent.
Exceeding £15 and not exceeding £22 ..	Such proportion as will reduce the value on which the rate is charged to £15.
Exceeding £22 and not exceeding £100 ..	66 $\frac{2}{3}$ per cent.
Exceeding £100 and not exceeding £111	Such proportion as will reduce the value on which the rate is charged to £67.
Exceeding £111 and not exceeding £400	60 per cent.
Exceeding £400 and not exceeding £533	Such proportion as will reduce the value on which the rate is charged to £240.
Exceeding £533	45 per cent.

THIRD SCHEDULE

Additional charges for watering gardens by means of hosepipes:—

Not exceeding 20 perches	16s.
Exceeding 20 perches but not exceeding 30 perches ..	£1
Exceeding 30 perches but not exceeding 40 perches ..	£1 4s.
Exceeding 40 perches but not exceeding 60 perches ..	£1 10s.
Exceeding 60 perches but not exceeding 80 perches ..	£2
Exceeding 80 perches	£2 10s.

FOURTH SCHEDULE

DESCRIPTION OF LAND

A piece of land 1.085 acres in extent belonging to the Undertakers in the parish of Llanrhaidr-yn-Cinmerch in the rural district of Ruthin, being the enclosure numbered 147a on the 1/2500 Ordnance Map Denbighshire Sheet XIV.5 (Edition of 1912).

FIFTH SCHEDULE

PROVISIONS OF THE DENBIGH WATER ACT AND ORDERS, 1863 TO 1923, REPEALED

The Denbigh Waterworks Act 1863—

- So much of section 3 (Same meanings to words in general Acts as in this Act) as defines the expressions “superior court”, “court of competent jurisdiction” or other like expression;
- So much of section 14 (Number and qualification of directors) as deals with the qualification of directors;
- Section 20 (Meetings of Company);
- Section 22 (Subsequent election of directors);
- Section 23 (Quorum for general meetings);
- Section 31 (Certain provisions of 10 & 11 Vict. c. 17 to extend to turnpike roads &c.);
- Section 36 (Restrictions may be imposed upon the sale of superfluous property);
- Section 38 (Rates for waterclosets and baths);
- Section 39 (What shall not be considered domestic purposes);
- Section 40 (Penalty for using water for other than domestic purposes without agreement);

- Section 41 (Consumers to have option of supply by meter);
- Section 42 (Penalty for injury to and fraudulent use of meters);
- Section 43 (Power to let meters; meters not liable to distraint);
- Section 44 (Company to enter buildings);
- Section 45 (Meters to be repaired by Company);
- Section 46 (Water for other purposes may be supplied by agreement);
- Section 47 (Extent of pressure);
- Section 48 (For preventing fouling of water);
- Section 49 (Persons using water for waterclosets to provide cisterns &c.);
- Section 50 (Where several houses supplied by one pipe each to pay);
- Section 51 (Water may be cut off in certain cases);
- Section 52 (Penalty for affixing tubes to Company's pipes without their consent);
- Section 53 (Penalty for suffering pipes &c. to be out of repair);
- Section 54 (Company may repair pipes &c.);
- Section 55 (Undisputed rates may be recovered by distress);
- Section 56 (Several names in one warrant);
- Section 57 (Costs of distress);
- Section 58 (Recovery of rates otherwise than by distress);
- Section 59 (Justice or judge not disqualified);
- Section 60 (Power for justices to order inquiry into state of reservoir);
- Section 61 (Order of justices for immediate repair);
- Section 62 (Order of justices after summons on Company to repair reservoir);
- Section 63 (Order of justices on failure of Company to obey orders);
- Section 64 (Form of order);
- Section 65 (Persons acting under orders of justices not deemed trespassers &c.);
- Section 66 (Justices may impose penalty on Company for disobeying order);
- Section 67 (Order of justices on Company for payment of costs);
- Section 68 (Power to Company to appeal against order);
- Section 69 (Company not to be liable for consequences of order);
- Section 70 (Penalties not cumulative).

The Denbigh Water Order 1873—

- Section 7 (As to votes of proprietors of such shares).

The Denbigh Water Order 1882—

- Section 10 (Votes of proprietors);
- Section 13 (Limits of dividend on additional capital);
- Section 14 (Dividends on different classes of shares to be paid proportionately).

The Denbigh Waterworks Order 1905—

- Section 11 (New shares or stock to be offered by auction or tender);
- Section 12 (Purchase money of capital sold to be paid within three months);
- Section 13 (Notice to be given as to sale of shares or stock);
- Section 14 (Shares or stock not sold by auction or tender to be offered to holders of ordinary shares or stock);
- Section 15 (Application of premium arising on issue of shares or stock);
- Section 19 (Rates of dividend on shares or stock in new capital);
- Section 20 (Dividends on different classes of ordinary capital to be paid proportionately);
- Section 23 (Contracts for supplying water in bulk);
- Section 24 (Regulations for preventing waste &c. of water).

Given under the official seal of the Minister of Health this eleventh day of May, nineteen hundred and forty-nine.

(L.S.)

Geoffrey Crawshay,
Chairman,
Welsh Board of Health.

1949 No. 1156

WATER, ENGLAND AND WALES

The Denbigh Water (No. 2) Order, 1949

<i>Made - - - -</i>	<i>21st June, 1949</i>
<i>Coming into Operation</i>	<i>1st July, 1949</i>

1277W.

8 & 9 Geo. 6.
c. 42. The Minister of Health, in exercise of the powers conferred on him by section 40 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Denbigh Water (No. 2) Order, 1949.

(2) This order shall come into operation on the first day of July, nineteen hundred and forty-nine.

26 Vict.
c. xvii. 2. The rate which the Denbigh Water Company may charge for a supply of water for domestic purposes under section 37 of the Denbigh Waterworks Act, 1863, as modified by the Denbigh Water Company (Modification of Charges) Order, 1923(a), and the Denbigh Water Order, 1949(b), shall be altered to a rate of three shillings and threepence in the pound on the net annual value of the premises supplied, so however that after the thirty-first day of December, nineteen hundred and fifty, the rate shall be two shillings and ninepence in the pound on the net annual value of the premises supplied.

Given under the official seal of the Minister of Health this twenty-first day of June, nineteen hundred and forty-nine.

(L.S.)

Geoffrey Crawshay,
Chairman,
Welsh Board of Health.

(a) S.R. & O. 1923 No. 679.

(b) S.I. 1949 No. 1108.

WATER, ENGLAND

The Wey Valley Water (No. 2) Order, 1949

Made - - - - - 24th June, 1949
Coming into Operation 24th June, 1949

M.H.109328.

The Minister of Health, in exercise of the powers conferred on him by sections 9, 10, 23 and 33 of the Water Act, 1945(a), and of all other powers enabling him in that behalf hereby orders as follows:—

1. This order may be cited as the Wey Valley Water (No. 2) Order, 1949, and shall be included among the enactments which may be cited together as the Wey Valley Water Acts and Orders, 1898 to 1949. Short and collective titles.

2.—(1) The following enactments (so far as they are applicable for the purposes and are not inconsistent with the provisions of this order) are hereby incorporated with this order:— Incorporation of Enactments.

(a) The Companies Clauses Consolidation Act, 1845(b), (except the provisions relating to the conversion of borrowed money into capital);

(b) Part I (relating to cancellation and surrender of shares), Part II (relating to additional capital), except the provisions thereof which limit the rate of dividend on preference capital, and Part III (relating to debenture stock) of the Companies Clauses Act, 1863(c), as amended by subsequent Acts.

(2) In the construction of the enactments so incorporated with this order the expression “special Act” shall be read as a reference to this order and the expression “undertakers” shall mean the Company.

(3) The Companies Clauses Act, 1863, as so incorporated shall have effect as if the words “and to the same amount as” in section 22 (which contains regulations as to the creation and issue of debenture stock) were omitted.

(4) The provisions of sections 74 and 75 of the Third Schedule to the Water Act, 1945, (which relate respectively to maximum rates of dividend and the sale of stock by auction or tender) shall apply to the Company’s undertaking, with the modification that in the said section 75 the word “stock” shall be construed as including shares.

3.—(1) In this order the several words and expressions to which meanings are assigned by the enactments incorporated with this order shall, unless the context otherwise requires, have the same respective meanings. Interpretation.

(2) In this order, unless the context otherwise requires,—

“enactment” has the same meaning as in the Water Act, 1945;

“the Company” means the Wey Valley Water Company;

(a) 8 & 9 Geo. 6. c. 42. (b) 8 & 9 Vict. c. 16. (c) 26 & 27 Vict. c. 118.

“ the Council ” means the rural district council of Petersfield ;

“ the scheduled agreement ” means the agreement set out in the first schedule to this order ;

“ the day of transfer ” means the first day of October, 1949 ;

“ the Petersfield undertaking ” means the water undertaking of the Council as defined in clause 1 of the scheduled agreement ;

“ the Company’s undertaking ” means the undertaking of the Company as from time to time authorised ;

“ the added area ” means the area described in the third schedule to this order ;

“ the limits of supply ” means the limits within which the Company are from time to time authorised to supply water ;

“ the existing Acts and Orders ” means the Wey Valley Water Acts and Orders, 1898 to 1940, and the Wey Valley Water Order, 1949(d) ;

“ the existing limits ” means the limits within which the Company are authorised to supply water under the existing Acts and Orders ;

4. The scheduled agreement shall be read and have effect as if—

(1) the word “ map ” were substituted for the words “ plan attached hereto ” ;

(2) the following words had been added at the end of clause 1 “ ‘ the map ’ means the map prepared in triplicate, sealed with the official seal of the Minister of Health and marked ‘ Map referred to in the Wey Valley Water (No. 2) Order, 1949 ’, one copy of which is deposited in the offices of the Minister of Health, another in the offices of the Company and the other in the offices of the Council.”

5. The Petersfield undertaking shall, on the day of transfer, by virtue of this order be transferred to and vest in the Company upon the terms and conditions of the scheduled agreement, freed from all mortgages and loan charges, and shall become part of the Company’s undertaking.

6. Any action, arbitration or other proceeding and any cause of action, arbitration or proceeding pending or existing on the day of transfer by, against or in favour of the Council shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer to the Company of the Petersfield undertaking or of anything in this order, but may be continued, prosecuted and enforced by, against or in favour of the Company as and when it might have been continued, prosecuted and enforced by, against or in favour of the Council if this order had not been made, but not further or otherwise :

Provided that any rent, rate, charge or other sum payable to the Council before the day of transfer may be sued for and recovered by the Council in the same manner in all respects as it might have been sued for and recovered if this order had not been made.

7. All contracts, agreements, conveyances, deeds, leases, licences and instruments affecting the Council in respect of the Petersfield undertaking and in force on the day of transfer (other than the scheduled agreement) shall as from that day be as binding and of as full force and effect against or in favour of the Company as if, instead of the Council, the Company had been a party thereto or bound thereby or entitled to the benefit thereof ; but nothing in this order or done

(d) S.I. 1949 No. 547.

thereunder shall prejudice or affect the right of the Company to terminate any such contract, agreement, deed, lease, licence or instrument at such time and in such manner as it might have been terminated if this order had not been made.

8. From and after the day of transfer the Company may, subject to the provisions of any existing lease or agreement, continue and maintain the well, springs, collecting works, pumping stations, reservoirs, water towers and other works described in the second schedule to this order for the purposes of the Company's undertaking, and may extend, enlarge, alter and renew the said works, and may take for the said purposes all or any of the waters which will or may be taken or intercepted by the said works or any of them.

Maintenance of well, pumping stations, &c.

9. The Company may maintain, use, renew, alter, extend and repair any mains, pipes and other works for the distribution of water transferred to them by or under this order, and on and after the transfer the said mains, pipes and other works shall for all purposes be deemed to form part of the Company's undertaking and to have been laid down and constructed by the Company under the Acts and orders from time to time relating to the Company.

As to mains, &c., transferred to Company under order.

10.—(1) From and after the day of transfer the limits of supply shall be extended so as to include the added area.

Extension of limits of supply.

(2) The provisions of the existing Acts and Orders shall, with any necessary modifications, apply and have effect in the added area, and accordingly the Company within the added area shall have and may exercise all and the like powers, rights, privileges and authorities and shall be subject to all and the like duties and obligations as they now have and are subject to within the existing limits.

11. The Company may from time to time raise additional capital not exceeding in the whole eighty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively :

Additional capital.

Provided that—

(a) the Company shall not issue any share of less nominal value than ten pounds ;

(b) it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of capital than shall, after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof, be sufficient to produce the sum of eighty thousand pounds.

12. The Company may, without obtaining any certificate of a justice under the Companies Clauses Consolidation Act, 1845, raise for the purposes of the Company's undertaking, by borrowing on mortgage of the Company's undertaking or by the creation and issue of debenture stock, or partly by one of those modes and partly by the other, any sum or sums of money not exceeding in the whole one-half of the amount (including premiums and allowing for discounts) which for the time being has been raised by the Company by the creation and issue of new ordinary shares and stock and new preference shares and stock under the powers of this order.

Power to borrow.

Power to
apply funds.

13. The Company may apply to any purposes of this order to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the existing Acts and Orders.

Application
of sections
of existing
Acts and
Orders
relating to
capital and
borrowing.

14. The undermentioned sections of the existing Acts and Orders shall (subject to the provisions of this order) so far as applicable extend and apply to any new ordinary or new preference shares or stock (redeemable or irredeemable), debenture stock (redeemable or irredeemable), or mortgages created, issued or granted under the powers of this order, and to any moneys raised thereby as though those sections with any necessary modifications were re-enacted in this order:—

Wey Valley Water Order, 1918—

section 21 (receipt in case of persons not sui juris) ;

Wey Valley Water Act, 1928—

section 44 (appointment of receiver) ;

Wey Valley Water Act, 1940—

section 58 (incidents of new shares or stock) ;

section 60 (restrictions as to votes in respect of preference shares or stock) ;

section 62 (debenture stock) ;

section 63 (priority of mortgages over other debts) ;

section 64 (priority of existing mortgages) ;

section 67 (limit of interest on moneys borrowed).

Amendment
of section 66
of Act of
1940.

15. Section 66 of the Wey Valley Water Act, 1940 (which limits the amount of money which the Company may borrow by means of temporary loans to a maximum of thirty-five thousand pounds) shall have effect as if the words “one hundred” were substituted for the words “thirty-five”.

FIRST SCHEDULE

AN AGREEMENT made the seventh day of October Nineteen hundred and forty-eight BETWEEN the RURAL DISTRICT COUNCIL OF PETERSFIELD in the County of Southampton (hereinafter called “the Council”) of the one part and the WEY VALLEY WATER COMPANY whose principal office is at 71 Castle Street, Farnham, in the County of Surrey (hereinafter called “the Company”) of the other part.

Whereas the Council are supplying water within part of their district which is shown by the pink verge line on the plan attached hereto which is adjacent to the area of the Company and by agreement to part of the Rural District of Midhurst.

And Whereas the Company were incorporated by the Wey Valley Frimley and Farnham Water Act, 1898 and under the Wey Valley Water Acts and Orders, 1898 to 1940, are now supplying water in parts of the area of the Council.

And Whereas the Council have borrowed money for the purpose of providing the works hereinafter referred to which is repayable by instalments of principal and interest combined and the Council hereby agree to continue making such repayments at their due dates until the loans have been repaid.

And Whereas subject to authority being given by means of an order of the Minister of Health under the Water Act, 1945, the parties hereto have agreed that the works hereinafter referred to shall be transferred by the Council to the Company upon and subject to the terms and conditions hereinafter set forth.

NOW IT IS HEREBY AGREED by and between the parties hereto as follows:—

1. In this agreement—

“the day of transfer” means the first day of April or October whichever date shall first occur after the date of the Order of the Minister of Health confirming and giving effect to this Agreement.

“the added area” means that part of the Rural District of Petersfield which is shown by the pink verge line on the plan attached hereto in which up to the day of transfer the Council is responsible for the supply of water.

“the Undertaking” means the Water Undertaking of the Council as existing on the day of transfer including all lands and hereditaments held for the purposes of the Undertaking all plant reservoirs pumping stations distributing mains communication pipes machinery apparatus meters fixtures fittings tools and appliances used exclusively for water supply and the rights powers and privileges of the Council in connection with the undertaking so far as the same are capable of transfer to the Company and the benefit and (subject as hereinafter mentioned in Clause 5) the liability in respect of all actions at the instance of the Council relative to the Undertaking and the benefit and liability of all contracts of sale purchase hire purchase or hire and of insurance or otherwise relating exclusively to the undertaking but the expression shall not include:—

(a) cash in hand and at the bank or any cash balances in connection with the undertaking;

(b) amounts due from consumers and debtors at the day of transfer;

(c) loose stores stocks of coal and other stock in trade but the Company shall be entitled to take over at valuation any such that can properly be considered as capable of being allocated to the undertaking and the inclusion of insurance shall oblige the Company to pay to the Council a proportionate part of the premium in respect of any insurances unexpired at the day of transfer.

2. Subject as hereinafter provided the Council shall on the day of transfer transfer the undertaking to the Company freed from all mortgages and loan charges. The Company shall accept without question such title as the Council has to the lands it owns or occupies for the purposes of the undertaking.

3. The Council shall not at any time make default in the repayment of the moneys borrowed by them for the purpose of the works hereinbefore referred to and outstanding on the day of transfer which are charged either on the revenue of the undertaking or indifferently on all the revenues of the Council to the persons from whom such moneys were borrowed and shall at all times indemnify the Company against the same.

4.—(a) In consideration of the transfer on the terms hereinafter mentioned the Company undertakes to maintain all the supplies to consumers now served by the Council (but with all statutory rights to enforce due payment of water rates and charges by the consumers) and to lay such additional mains with or without guarantees as may reasonably be required from time to time and to supply water thereto and in particular will as expeditiously as possible having regard to the scarcity of labour and materials at present prevailing and subject to the necessary consents and licences being obtained construct such works as may be necessary adequately to supply sufficient water to the parishes of Colemore and Priorsdean, East Meon and Buriton the present supplies to which are inadequate or insufficient.

(b) This agreement being based on the report dated 17th March, 1947, made to the Council by Messrs. Edward Sandeman Kennard and Partners of 1 Victoria Street Westminster S.W.1, and the plan accompanying that report the Company undertake to carry out as expeditiously as possible either the water scheme designated as Scheme A (with such variations as may be agreed between the parties hereto) advised in that report as shown on the said plan accompanying that report or some other scheme agreed by the Council and the Company which will as efficiently and at no greater cost serve the villages and localities covered by the said Scheme A.

5. The Company shall take the place of the Council in all agreements to which the Council are parties for the supply of water to consumers within the added area and in part of the area of the Midhurst Rural District Council whose premises are supplied with water by the Council from their mains within the said areas and shall carry out those agreements and indemnify the Council from all liability in respect thereof without prejudice however to any rights or liabilities accrued thereunder before the day of transfer.

6. The Company shall have and may exercise within the added area all and the like powers rights and authorities for and in relation to the supply of water and shall be subject to all and the like liabilities and obligations in respect thereof as they have may exercise and are subject to within their existing area of supply.

7.—(1) The Council shall be entitled to all water rates rents profits and other moneys due or accruing due to the Council in respect of the undertaking up to the day of transfer and shall pay and discharge all trading debts and liabilities on revenue account at the day of transfer and shall indemnify the Company therefrom and as from the day of transfer the Company shall be entitled to all such rates rents and profits. Any necessary apportionments shall be made for the purposes of this clause.

(2) The transfer of the undertaking shall not prejudice or affect the powers of the Council for the recovery of any water rates or charges due to them on the day of transfer.

8.—(a) The Council agrees and undertakes that in the event of the working expenses (hereinafter defined) of supplying water to the added area being in excess of the water rates and charges received from such added area by the Company in any year for a period of fifteen years from the day of transfer the Council will pay to the Company the difference between such working expenses and water rates and charges subject to the conditions contained in Clause 9 hereof.

(b) Inasmuch as the Company prepares accounts for the six months ending 30th June and the six months ending 31st December there will be no accurately ascertainable figure for working expenses (as hereinafter defined) for the period from the day of transfer if this happens to be on the 1st of April to the following 30th June or if the day of transfer happens to be on the 1st October for the period from that date to the following 31st December or for the corresponding periods of the last year of the fifteen year period mentioned in paragraph (a) hereof therefore the figure for those periods shall be taken as one half the working expenses (as hereinafter defined) of the six months ending on the 30th June if the day of transfer happens to be on the 1st April or as one half the working expenses (as hereinafter defined) of the six months ending on the 31st of December if the day of transfer happens to be on the 1st October but such figures for the first six months during which this Agreement comes into operation shall be subject to such adjustment as may be equitable in the event of the Company's working expenses (as hereinafter defined) being increased by reason of the coming into operation of this agreement.

For the half year following such 30th June or 31st December the Company's accounts for that period shall govern the working expenses (as hereinafter defined) for that period.

9.—(a) The maximum amount payable by the Council under this Agreement in any year from the day of transfer shall subject to paragraph (c) hereof not exceed a sum equal to one fortieth of the total cumulative capital expended by the Company under this agreement calculated to the 31st December of such year in laying the additional mains and constructing the works referred to in Clause 4 hereof or the sum of three thousand pounds whichever sum is the smaller.

(b) In the event of the said water rates and charges in any year amounting to a sum greater than the said working expenses such difference shall be credited to the Council and be deducted from any subsequent deficiency as hereinbefore mentioned. Provided that if the day of transfer happens to be the 1st of October

and the water rates and charges of the period from that date to the following 31st December amount to a sum greater than the working expenses attributable to that period then such difference shall be credited to the Council and be deducted from any subsequent deficiency. Provided further that if the day of transfer happens to be the 1st of October and the water rates and charges of the period from that date to the following 31st of December are less than the working expenses attributable to that period then paragraph (a) of Clause 8 of this agreement shall apply.

(c) In the event of the said water rates and charges exceeding the working expenses during and applicable to any of the first five years of the operation of this agreement as hereinbefore defined the period of fifteen years hereinbefore referred to shall be extended by the number of years of the said first five years during which such water rates exceed the working expenses.

10. The term "working expenses" shall mean:—

(a) So much of the Wages and all other costs and outgoings incurred by the Company in obtaining pumping storing and delivering water and so much of the total Secretarial Managerial Office and Administrative expenses of the Company and of the district Rates paid by the Company as is attributable to supplying water to the added area. For the purpose of calculating the amounts so attributable to supplying water to the added area such amounts shall be deemed to bear in relation to the total amounts of the wages costs outgoings expenses and rates paid by the Company the same proportion as the quantity of water supplied within the added area bears to the total quantity of water supplied by the Company throughout the whole of its statutory area of supply. Provided that till water is in fact supplied by the Company by virtue of this agreement the actual wages and all other costs and outgoings and expenses incurred by the Company in obtaining pumping storing and delivering water within the added area shall be substituted for the proportions of such wages costs and outgoings hereinbefore in this paragraph mentioned.

(b) An allocation to a Contingency Fund of $1\frac{1}{4}$ per cent. per annum of capital expended in the added area to the 31st December in each year in accordance with section 76 of the 3rd Schedule of the Water Act 1945 such allocations to be suspended when and while such contingency fund amounts to $12\frac{1}{2}$ per cent. on the capital expended in the added area.

(c) Interest on capital expended in the added area at the average rate at which capital is raised by the Company to meet such expenditure.

11. The Council shall be responsible for the payment of any compensation to any officer or servant in its employ immediately before the day of transfer who suffers direct pecuniary loss by reason of the determination of his employment or the diminution of his emoluments consequent upon the transfer of the undertaking.

12. The capital expended shall include the cost of new works within the added area necessary to provide for:—

(a) An adequate supply of water to consumers supplied on the day of transfer.

(b) Improvement of the supply to the parish of Liss.

(c) Provision of supplies to the villages and localities particularly mentioned in paragraph (a) of Clause 4 hereof.

(d) Renewing or improving any of the Council's existing works mains reservoirs or other apparatus.

13.—(1) From and after the date of this Agreement and until the day of transfer the Council shall maintain and keep the works forming part of the undertaking in proper and efficient condition and repair and maintain carry on and conduct the same in the same manner as such works have hitherto been maintained carried on and conducted by the Council in the ordinary course of business maintaining reasonable stocks of pipes meters fittings and appliances but as from the date of this Agreement and during the continuance thereof the Council

shall not without the consent of the Company (which consent shall not be unreasonably withheld) enter into any contract (except ordinary contracts for the supply of water and for the sale hire hire-purchase or purchase of meters materials appliances and fittings) in respect of the undertaking the operation of which shall extend beyond the day of transfer.

(2) The Council shall on the day of transfer deliver to the Company all deeds agreements plans reports and records and shall preserve and keep in safe custody during the period of this agreement and the Company shall at all reasonable times have access to all books vouchers letters and other documents having reference to the business and proceedings of the Council relating exclusively to the undertaking (other than this agreement and correspondence and other documents preliminary to and consequential thereon) and the duly authorised representatives of the Company shall at all reasonable times have power to make copies or extracts therefrom so far as may be reasonably necessary for the purposes of the Company. The Company shall grant the like power of access and taking copies and extracts so far as regards similar documents belonging to the Company and the Company shall at the request of the Council lend to the Council any of such books or documents which are required by the Council temporarily for the purpose of audit the Council undertaking to return them to the Company after use for such purpose.

(3) The Company shall at all reasonable times have access to and also power to make copies or extracts from any vouchers deeds agreements plans reports and other documents having reference to the business and proceedings of the Council relating partly to the undertaking.

(4) On and from the obtaining of statutory authority sanctioning or giving effect to this Agreement the duly authorised Officer or Officers of the Company shall have access to the offices of the Council during office hours and may inspect the books papers records and writings of the Council relating to the undertaking and make themselves acquainted with the affairs of the undertaking preparatory to the completion of the transfer thereof on the day of transfer and the Council shall direct their Clerk or other officers to give to the said Officer or Officers of the Company such assistance and information relating to such affairs as they may require.

14. In the event of any of the Council's works and plant not being required by the Company during the first five years of the period referred to in Clause 8 hereof such works and plant shall on written notice being given by the Company be transferred back to the Council free of cost for their own use and benefit and if required by the Company the Council shall remove such works and plant and restore the surface of the ground and make good all damage done by such removal.

15. Nothing in this Agreement shall prevent the Company from utilising the mains and works hereinbefore mentioned for the purpose of extending the supply of water but in the event of such extensions being made during the period of this agreement (whether by guarantee under the Water Act 1945 or otherwise) the working expenses as defined in Clause 10 hereof and the revenue from water rates and charges and any deficiencies under guarantees which are paid to the Company by the Guarantors in connection with these extensions during the period of this agreement shall be taken into account in arriving at the difference between working expenses and water rates as referred to in Clause 8 hereof.

16. The Company shall not be bound to extend the mains and works which it undertakes to construct under this Agreement either for the Council or private individuals or body of persons except in accordance with the terms and conditions of the Water Act 1945 and any guarantees given under that Act shall continue for the period for such guarantees prescribed by section 36 (2) of that Act.

17. The Company shall apply to the Minister of Health for an order under the Water Act 1945 providing for the transfer of the said works in accordance with this agreement and the Council shall support the application.

18. The foregoing provisions of this agreement are subject to the approval of the Minister of Health and to the making of the said Order but if the Minister makes any material alteration in the terms of this agreement or the Order is not made on or before 30th September 1949 it shall be competent for either party to withdraw therefrom.

19. Each of the parties of this agreement shall pay their own costs in respect thereof and of any enquiry arising out of the transfer of the undertaking and the Company shall pay any stamp duty payable in respect thereof and of the transfer.

20. Notwithstanding the transfer of the Undertaking to the Company nothing in this agreement shall be construed so as to impose on or transfer to the Company any liability incurred by the Council before the day of transfer in respect of the undertaking arising from any negligence default or breach of statutory duty by the Council their officers servants or agents whether the claim in respect thereof be made before or after the day of transfer and the Council hereby agree that in the event of any such claim being preferred against the Company after the day of transfer they will indemnify the Company against any loss damage costs or expense which they may suffer or incur in respect of such claim.

21. If any question difference or dispute shall arise with reference to this Agreement or the construction thereof or as to anything herein contained or as to anything not fully provided for or as to the rights liabilities or duties of either party hereunder the same shall be referred to an Arbitrator appointed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 or any statutory modification thereof shall apply to such reference and arbitration and to this Agreement as if it were a submission to arbitration under those Acts.

22. This Agreement is conditional on the approval of the Proprietors of the Company being obtained and to the consent of the Treasury to the raising of any capital which the Company may require to raise for the purposes of this Agreement.

In witness whereof the parties hereto have hereunto caused their respective Common Seals to be affixed the day and year first above written.

The Common Seal of the Petersfield Rural District Council
was hereunto affixed in the presence of:— (L.S.)

H. NEWMAN COLLARD, *Chairman.*

ARTHUR G. LUNT, *Clerk.*

The Common Seal of the Wey Valley Water Company was
hereunto affixed in the presence of:— (L.S.)

L. WREY SAVILE }
F. C. POTTER } *Directors.*

F. WILLIE, *Secretary.*

SECOND SCHEDULE

TRANSFERRED WORKS

In the county of Southampton, in the rural districts of Alton and Petersfield—

1. *Doscombe Works*

Springs, pipes, collecting chambers, intake tank and reservoir in the parish of Colemore and Priors Dean in enclosures Nos. 171, 197, 205, 205a and 209 on the 1/2500 ordnance map, Hampshire, sheet LII.4 (edition of 1910).

2. *Ashford Chace Works*

Springs, collecting chamber and pumping station in the parish of Steep in enclosure No. 57 on the 1/2500 ordnance map, Hampshire, sheet LII.8 (edition of 1909).

Water tower in the parish of Froxfield in enclosure No. 194b on the 1/2500 ordnance map, Hampshire, sheet LII.3 (edition of 1909).

3. *Langrish Works*

Pumping station (booster) in the parish of Langrish in enclosure No. 221 on the 1/2500 ordnance map, Hampshire, sheet LII.15 (edition of 1932).

Reservoir in the parish of Langrish in enclosure No. 162 on the 1/2500 ordnance map, Hampshire, sheet LII.15 (edition of 1932).

4. *Buriton Works*

Springs, collecting reservoir and pumping station in the parish of Buriton in enclosures Nos. 326 and 327 on the 1/2500 ordnance map, Hampshire, sheet LX.8 (edition of 1932).

Reservoir in the parish of Buriton in enclosure No. 324 on the 1/2500 ordnance map, Hampshire, sheet LX.8 (edition of 1932).

5. *Hawkley Works*

Springs, collecting well and pumping station in the parish of Newton Valence in enclosure No. 270 on the 1/2500 ordnance map, Hampshire, sheet XLIII.12 (edition of 1910).

Reservoir in the parish of Hawkley in enclosure No. 125 on the 1/2500 ordnance map, Hampshire, sheet XLIII.16 (edition of 1910).

6. *Liss Waterworks*

Springs, collecting pipes, tanks and pumping station in the parish of Liss in enclosures Nos. 176, 182, 182b, 182c, 184 and 208b on the 1/2500 ordnance map, Hampshire, sheet LIII.2 (edition of 1932).

Reservoir in the parish of Liss in enclosure No. 700 on the 1/2500 ordnance map, Hampshire, sheet LIII.6, 10 and 3 (edition of 1932).

Water tower in the parish of Liss in enclosure No. 686a on the 1/2500 ordnance map, Hampshire, sheet LIII.6, 10 and 3 (edition of 1932).

Reservoir in the parish of Liss in enclosure No. 714a on the 1/2500 ordnance map, Hampshire, sheet LIII.6, 10 and 3 (edition of 1932).

In the county of West Sussex, in the rural district of Midhurst—

Reservoir in the parish of Rogate in enclosure No. 172 on the 1/2500 ordnance map, Sussex, sheet XX.4 (edition of 1912).

THIRD SCHEDULE

ADDED AREA

In the county of Southampton, in the rural district of Petersfield, the parishes of Buriton, Colemore and Priors Dean, East Meon, Froxfield, Hawkley, Langrish, Liss and Steep, and so much of the parish of Greatham as is not included within the existing limits.

Given under the official seal of the Minister of Health this twenty-fourth day of June, nineteen hundred and forty-nine.

(L.S.)

H. Symon,
Under Secretary,
Ministry of Health.

WATER, ENGLAND

The Hastings Water Order, 1949

Made - - - - 28th June, 1949

Coming into Operation 28th June, 1949

M.H. 109,384.

The Minister of Health in exercise of the powers conferred on him by section 33 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Hastings Water Order, 1949.

(2) So much of the Hastings Paving Act, 1832(b), the Hastings Corporation Act, 1900(c), the Hastings Corporation (Water & Finance) Act, 1911(d), the Hastings Corporation Act, 1924(e), the Hastings Corporation Act, 1928(f), and the Hastings Corporation (General Powers) Act, 1937(g), as relates to water, the Hastings (Water Charges) Order, 1946, the Hastings Water Order, 1947(h), the Hastings (Darwell Reservoir) Order, 1948(i), and this order may be cited together as the Hastings Water Acts and Orders, 1832 to 1949.

2. In this order—

“the Corporation” means the mayor, aldermen and burgesses of the county borough of Hastings;

“the Act of 1937” means the Hastings Corporation (General Powers) Act, 1937.

3. Subsection (1) of section 40 of the Act of 1937 (which provides for successive extensions of the water limits of the Corporation) shall be amended as follows:—

(a) after paragraph (b) there shall be inserted the following paragraph:—

“(ba) On and after the first day of July nineteen hundred and forty-nine the limits within which the Corporation may supply water shall extend to and include in addition to the borough and the areas referred to in paragraphs (a) and (b) of this subsection the parish of Pett in the rural district of Battle and administrative county of East Sussex”;

(b) in paragraph (c) there shall be substituted for the expression “and (b)” the expression “(b) and (ba)” and the word “Pett” shall be omitted.

Given under the official seal of the Minister of Health this twenty-eighth day of June, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,

Under Secretary, Ministry of Health.

(a) 8 & 9 Geo. 6. c. 42.

(c) 63 & 64 Vict. c. cclxvi.

(e) 14 & 15 Geo. 5. c. lxxxviii.

(g) 1 Edw. 8 & 1 Geo. 6. c. lxxviii.

(i) S.J. 1948 No. 1828.

(b) 2 Will. 4. c. xci.

(d) 1 & 2 Geo. 5. c. xxxix.

(f) 18 & 19 Geo. 5. c. xxvii.

(h) S.R. & O. 1947 No. 801.

WATER, ENGLAND

The Runcorn District Water Board Order, 1949

Made - - - - - 12th July, 1949
Coming into Operation 1st October, 1949

M.H. 109408

The Minister of Health, in exercise of the powers conferred on him by sections 32 and 40 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

Short and
collective
titles.

1.—(1) This order may be cited as the Runcorn District Water Board Order, 1949.

(2) The Act of 1865, the Act of 1923, the Runcorn District Water Board Order, 1936, and this order may be cited together as the Runcorn District Water Board Acts and Orders, 1865 to 1949.

Commence-
ment of
order.

2. This order shall come into operation on the first day of October, 1949, which day is referred to in this order as the commencement of this order.

Interpre-
ation.

3.—(1) In this order, unless the subject or context otherwise requires, expressions to which meanings are assigned by the Water Act, 1945, or by the Third Schedule have the same respective meanings, and—

“the Act of 1865” means so much of the Runcorn Weston and Halton Waterworks Act, 1865(b), as was saved from repeal by section 16 of the Act of 1923 ;

“the Act of 1923” means the Runcorn District Water Board Act, 1923(c) ;

“the Third Schedule” means the Third Schedule to the Water Act, 1945, as amended by the Water Act, 1948(d) ;

“the undertakers” means the Runcorn District Water Board ;

“the undertaking” means the water undertaking for the time being of the undertakers.

Incorporation of Third
Schedule
with the Act
of 1923.

4. On and after the commencement of this order, the Third Schedule except—

(a) in Part II, sections 2, 7 and 8 ;

(b) Part III ; and

(c) Part XV ;

shall apply to the undertaking and be incorporated with the Act of 1923.

Repeal of
local enact-
ments.

5.—(1) As from the commencement of this order the Runcorn Order, 1922 (confirmed by Ministry of Health Provisional Orders Confirmation (No. 9) Act, 1922)(e), and, to the extent specified in the schedule to this order, the Act of 1923, are hereby repealed.

(a) 8 & 9 Geo. 6. c. 42.

(b) 28 & 29 Vict. c. xlvii.

(c) 13 & 14 Geo. 5. c. x.

(d) 11 & 12 Geo. 6. c. 22.

(e) 12 & 13 Geo. 5. c. xcvi.

(2) Without prejudice to the operation of subsection (2) of section 38 of the Interpretation Act, 1889(f)—

- (a) all agreements and other instruments entered into or made before the commencement of this order under any enactment repealed by this order to or with the undertakers or any trustee or person acting on behalf of the undertakers, or by, to or with any other person to whose rights or liabilities the undertakers have succeeded, and in force immediately before the commencement of this order, shall be as binding and of as full force and effect in every respect against or in favour of the undertakers, and be enforceable as fully and effectually, as if the enactments under which they were made had not been repealed ;
- (b) all byelaws made by the undertakers or their predecessors in title and in force immediately before the commencement of this order shall (subject to the provisions of subsection (6) of section 19 of the Water Act, 1945) continue in force in like manner and to the like extent as if the enactments under which they are in force had not been repealed ;
- (c) all notices and demands given or made under any enactment mentioned in the schedule to this order and in force immediately before the commencement of this order shall continue in force in like manner and to the like extent as if the enactment had not been repealed.

6.—(1) As from the commencement of this order, the Act of 1923 shall have effect subject to the amendments specified in the following provisions of this section. Amendment of local Act.

(2) Section 4 shall have effect as if the reference to the Waterworks Clauses Acts, 1847 and 1863(g), were omitted.

(3) In subsection (1) of section 29, for the word dwelling-house wherever it occurs there shall be substituted the word “premises”.

(4) In subsection (2) of section 73, the reference to section 32 of the Waterworks Clauses Act, 1847, shall be construed as a reference to section 26 of the Third Schedule.

(5) In subsection (5) of section 74, for the words “shall be referred to two justices” to the end of the subsection there shall be substituted the words “shall be determined in like manner as if it were a difference arising under subsection (1) of section 24 of the Third Schedule”.

7.—(1) The rate which the undertakers may levy for a supply of water for domestic purposes under subsection (1) of section 29 of the Act of 1923 shall be altered to the rate of four shillings and ninepence per annum per pound of the net annual value of the premises supplied.

(2) The Act of 1923 shall have effect on and after the commencement of this order as if it provided—

(a) that the prescribed proportion of the net annual value of any premises for the purpose of paragraph (b) of subsection (1) of section 46 of the Third Schedule should be one-half ;

(b) that the prescribed sum for the purposes of subsection (1) of section 48 of the Third Schedule should be—

(i) in the case of water used for watering a garden, the sum of twenty shillings ;

(ii) in the case of water used for the purposes mentioned in paragraph (b) of the said subsection, the sum of thirty shillings.

(f) 52 & 53 Vict. c. 63.

(g) 10 & 11 Vict. c. 17 and 26 & 27 Vict. c. 93.

THE SCHEDULE

PROVISIONS OF THE ACT OF 1923 REPEALED

Subsections (2) and (3) of section 3, sections 20 to 26, 28, subsections (2) to (6) of section 29, sections 30, 31, 33 to 50, subsection (1) of section 72, subsection (1) of section 73, sections 76, 77, 81 to 85 and 87.

Given under the official seal of the Minister of Health this twelfth day of July, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

1949 No. 1331

WATER, ENGLAND

The Sleaford Water Order, 1949

Made - - - - 14th July, 1949

Coming into Operation 1st October, 1949

M.H. 109503.

The Minister of Health, in exercise of the powers conferred on him by section 33 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the Sleaford Water Order, 1949, and shall come into operation on the first day of October, 1949.

2. The local enactments specified in the schedule to this order (being enactments relating to water supply, the functions whereunder are vested in the urban district council of Sleaford) are hereby repealed, to the intent that the undertaking authorised thereby, so far as it relates to the supply of water in the urban district of Sleaford, shall be carried on under the Public Health Act, 1936(b).

SCHEDULE

LOCAL ENACTMENTS REPEALED

The Sleaford Water Act, 1879(c).

The Sleaford and District Water Order, 1906, confirmed by the Water Orders Confirmation Act, 1906(d).

Given under the official seal of the Minister of Health this fourteenth day of July nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

(a) 8 & 9 Geo. 6. c. 42.
(c) 42 Vict. c. xxxiii.

(b) 26 Geo. 5 & 1 Edw. 8. c. 49.
(d) 6 Edw. 7. c. cxxxvi.

WATER, ENGLAND

The Cheltenham and Gloucester Joint Water Board (No. 2) Order, 1949

<i>Made - - - -</i>	21st July, 1949
<i>Coming into Operation</i>	21st July, 1949

M.H. 109484

The Minister of Health in exercise of the powers conferred on him by section 33 of the Water Act, 1945(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

Short and
collective
titles.

1.—(1) This order may be cited as the Cheltenham and Gloucester Joint Water Board (No. 2) Order, 1949.

(2) The Cheltenham and Gloucester Joint Water Board Act and Order, 1936 and 1949, and this order may be cited together as the Cheltenham and Gloucester Joint Water Board Act and Orders, 1936 and 1949.

Interpre-
tation.

2. In this order “the Act of 1936” means the Cheltenham and Gloucester Joint Water Board etc. Act, 1936(b).

Amendment
of Act of
1936.

3. In subsection (2) of section 7 of the Act of 1936 (which provides that appointments of members of the Board shall take place at the annual meeting of each constituent authority in the month of November, 1937, and in the November of each succeeding year) for the words “in the month of November one thousand nine hundred and thirty-seven and in the month of November in each succeeding year” there shall be substituted the words “in each year”.

Given under the official seal of the Minister of Health this twenty-first day of July, nineteen hundred and forty-nine.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

(a) 8 & 9 Geo. 6. c. 42.

(b) 26 Geo. 5 & 1 Edw. 8. c. cxxix.

APPENDIX A

List of Orders made under Section 11 of the Water Act, 1945

(Supply of water outside limits of supply)

Title of Order	Date of Operation	Area Affected
The Leeds (Wetherby Rural Water Supply) (No. 3) Order, 1948.	13th August, 1948	The premises in the parish of North Rigton, Wetherby Rural District, comprising the parcels numbered 40 and 42(a) on the ordnance survey sheet CLXI. 13 (1909 Edition).
The Tees Valley Water Board (Croft Rural Supply) Order, 1948.	9th September, 1948	Low Hail Farm in the parish of Eryholme, Croft Rural District.
The Leeds (Wharfedale Rural Water Supply) Order, 1948.	16th September, 1948	Keeper's House, Riffa Wood, Harrogate Road, Leathley, in the Wharfedale Rural District.
The Mid and South-East Cheshire Water Board (Macclesfield Rural Supply) Order, 1948.	1st October, 1948	Midway Farm in the parish of Eaton, Macclesfield Rural District.
The Brighton (Outside Limits-Water Supply) Order, 1948.	5th November, 1948	Certain premises in the Chailey and Cuckfield Rural Districts and partly within the limits of supply of the Burgess Hill Water Company.
The Bristol Waterworks Company (Sodbury Rural Water Supply) Order, 1948.	26th November, 1948	Stanley Farm in the parish of Stoke Gifford, Sodbury Rural District.
The Bristol Waterworks Company (Clutton Rural Supply) (No. 3) Order, 1948.	9th December, 1948	Premises situated at Stowey Bottom in the Clutton Rural District.
The Bristol Waterworks Company (West Gloucestershire Water Company) Water Supply Order, 1948	9th December, 1948	Premises in the parish of Stoke Gifford, Sodbury Rural District, within the limits of supply of the West Gloucestershire Water Company.
The Bristol Waterworks Company (Portishead District Water Company Water Supply) Order, 1948.	20th December, 1948	The Bristol and Clifton Golf Club, Failand, Bristol.
The North Cotswold (Chipping Norton and Shipston-on-Stour Rural Water Supply) Order, 1949.	18th March, 1949	Certain premises in the Chipping Norton and Shipston-on-Stour Rural Districts.
The Canterbury Gas and Water Company (Bridge Blean Rural Water Supply) Order, 1949.	25th March, 1949	Little Pett Farm and Mumpas Farm in the Bridge Blean Rural District.
The Harrogate (Wetherby Rural Water Supply) Order, 1949.	9th April, 1949	Premises in the parish of Spofforth-with-Stockeld in the Wetherby Rural District.
The Mid and South East Cheshire Water Board (Drayton Rural Water Supply) Order, 1949.	27th April, 1949	Sandyford Farm in the parish of Woore, Drayton Rural District.
The Bucks Water Board (Brackley Rural Water Supply) Order, 1949.	13th May, 1949	French's Barn in the parish of Syresham, Brackley Rural District.
The Wolverhampton (Seisdon Rural Water Supply) Order, 1949.	28th May, 1949	Premises in the parish of Trysall and Seisdon in the Seisdon Rural District and within the limits of supply of the Bilston Corporation.

Title of Order	Date of Operation	Area Affected
The Whitstable Urban (Herne Bay Urban Water Supply) Order, 1949.	22nd June, 1949	Colwood Cottages in the Herne Bay Urban District and within the limits of supply of the Herne Bay Waterworks Company.
The Wey Valley Water Company (Alton Rural Water Supply) Order, 1949.	25th June, 1949	Premises in the parish of Medstead in the Alton Rural District and within the limits of supply of the Mid-Wessex Water Company.
The Southampton (New Forest Rural Water Supply) Order, 1949.	5th July, 1949	Certain premises at Row Down, Blackfield, in the parish of Denny Lodge in the New Forest Rural District.
The Loughborough (Basford Rural Water Supply) Order, 1949.	27th July, 1949	Grange Farm, Hill Farm and the Manor Farm in the parish of West Leake in the Basford Rural District and within the limits of supply of the City of Nottingham.

APPENDIX B

List of Orders made under Section 24 of the Water Act, 1945

(Confirmation of compulsory purchase orders)

Title of Order	Date of Operation	Land Acquired
The Bilston (Woodcross) Compulsory Purchase Confirmation Order, 1948.	18th August, 1948	About $\frac{1}{2}$ acre of land (in 2 parcels) adjacent to the Woodcross Road in the urban district of Coxley acquired by the council for the purpose of their water undertaking.
The Kingsbridge and Salcombe Water Board Compulsory Purchase Confirmation Order, 1948.	27th August, 1948	About $\frac{1}{10}$ th acre of land (in 2 parcels) situated near Sign of the Owl Cross in the parish of Ugborough in the county of Devon acquired by the Board for the purpose of erecting a booster house and garage.
The North West Sussex Joint Water Board (Smock Alley) Compulsory Purchase Confirmation Order, 1948.	25th September, 1948	About an acre of land adjoining the pumping station site at Smock Alley, West Chiltington, acquired by the board for the purpose of their water undertaking.
The Taf Fechan Water Supply Board Compulsory Purchase Confirmation Order, 1948.	22nd November, 1948	About 65 acres of land (in different parcels) including the Tylebont farmhouse and outbuildings in the parish of Llanddetty in the county of Brecknock acquired by the board for the purpose of prevention of pollution of water flowing to Taf Fechan Reservoir at Pontsticill.
The Northallerton Urban District Council Compulsory Purchase Confirmation Order, 1949.	24th March, 1949	About 60 $\frac{1}{2}$ acres (in 34 parcels) of land including arable, pasture, waste, moor and plantation, together with springs, streams, fords and buildings thereon, in the parishes of Whorlton and Osmotherley in the rural districts of Stokeley and Northallerton acquired by the council for the purpose of constructing an impounding reservoir and filter house.

Title of Order	Date of Operation	Land Acquired
The Staffordshire Potteries Water Board Compulsory Purchase Confirmation Order, 1949.	7th April, 1949	About $\frac{1}{2}$ acre of land in the parish of Cheddleton in the rural district of Cheadle acquired by the board for the purpose of their water undertaking.
The Sturminster Rural (Alton Pancras) Compulsory Purchase Confirmation Order, 1949.	7th April, 1949	About $\frac{1}{2}$ acre of land on Rake Hill in the parish of Alton Pancras in the rural district of Dorchester acquired by the council for the purpose of water supply.
The Bucks Water Board (Byron Road, Aylesbury) Compulsory Purchase Confirmation Order, 1949.	19th April, 1949	About 4 acres of pasture land between Byron Road, Aylesbury, and the railway acquired by the board for the purpose of their water undertaking.
The Castleford (Redhill Road) Compulsory Purchase Confirmation Order, 1949.	16th May, 1949	About 5 acres of grassland on the south side of the Redhill Road adjacent to the Redhill Hotel, Castleford, Yorkshire, acquired by the council for the purpose of their water undertaking.
The Northampton Water Compulsory Purchase Confirmation Order, 1949.	31st May, 1949	About $4\frac{1}{2}$ acres of pasture land together with a river watercourse, mill, weir and buildings and about 2 acres (in 2 parcels) of drift-road at Duston in the rural district of Northampton acquired by the corporation for the purpose of the construction of an intake weir and pumping station.
The Swansea (Water) No. 1 Compulsory Purchase Confirmation Order, 1949.	31st May, 1949	About 186 acres of farm land in the parishes of Myddfai, Traiangelas, Llandilo Fawr, Mawr and Swansea, in the counties of Carmarthen, Brecknock and Glamorgan, acquired by the council for the purpose of their water undertaking.
Metropolitan Water Board (Kingston - upon - Thames) Compulsory Purchase Confirmation Order, 1949.	8th June, 1949	About $\frac{1}{10}$ th acre of vacant site between Vicarage Road and Water Lane, Kingston - upon - Thames, acquired by the board for the purpose of their water undertaking.

APPENDIX C

List of Local Acts since 31st July, 1948, relating to water

Title of Act	Date of Royal Assent	Main Provisions
The Mid - Northamptonshire Water Board Order Confirmation (Special Procedure) Act, 1949. 12 & 13 Geo. 6. c. ix.	31st May, 1949	Confirms order under Water Act, 1945, constituting board; transferring to the board a number of existing water undertakings; and authorising the construction of works and abstraction of water from the river Nene.
Staffordshire Potteries Provisional Water Board Act, 1949.	30th July, 1949	Authorises the acquisition of land, the construction of works and extends the board's limits of supply; varies compensation water provisions.

CUMULATIVE INDEX

Of local enactments relating to statutory water undertakers passed or made between 1st October, 1945, and 31st July, 1949, (other than orders under Defence Regulations varying charges) under names of undertakers concerned.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless otherwise stated)	Short effect
Andover Corporation ...	Andover (Watery Lane) Compulsory Purchase Confirmation Order, 1947.	—	14th November, 1947.	S. 24	Compulsory acquisition of land at Andover—see 1947-48 volume, page 92.
Andover Rural District Council.	Andover Water Order, 1949 ...	653	1st April, 1949	S. 33	Repeals local enactment relating to undertaking vested in the Council to the intent that the supply of water in the Council's district shall be carried on under the Public Health Act, 1936.
Anglesey County Council ...	Anglesey (Amlwch) Water Order, 1948.	1882	12th August, 1948. (1st September, 1948).	S. 10	Extends limits of supply to part of the Urban District of Amlwch.
Appleby Corporation ...	Appleby (North Westmorland Rural Water Supply) Order, 1947.	—	23rd September, 1947.	S. 113 P.H.A., 1936.	Supply outside district to certain premises in North Westmorland Urban District, in the area shown edged red on the map referred to in the order.
Ashby Woulds Urban District Council.	Ashby Woulds Urban (Ashby-de-la-Zouch Urban Water Supply) Order, 1949.	—	30th June, 1949	S. 113 P.H.A., 1936.	Supply outside district to Oakleigh, Moira Road, Ashby-de-la-Zouch.
Ashton-under-Lyne Corporation.	Ashton-under-Lyne, Stalybridge and Dukinfield (District) Waterworks Order, 1949.	1406	23rd July, 1949	Ashton-under-Lyne, Stalybridge and Dukinfield (District) Waterworks Act, 1931, Ss. 29 and 31.	Authorises combining authorities (Ashton-under-Lyne, Stalybridge, Dukinfield and Mossley Corporations, and Audenshaw Urban District Council) to contribute certain sums of money towards authorised works and provides for the borrowing and repayment thereof.

Atcham Rural District Council	Atcham Rural (Water Supply—Outside District) Order, 1946.	—	20th September, 1946.	S. 113 P.H.A., 1936.	Supply outside district to Yeaton House, Baschurch, Ellesmere Rural District.
	Atcham (Clun Rural Water Supply) Order, 1948.	—	14th December, 1948.	S. 113 P.H.A., 1936.	Supply outside district to Hogston Farm, Minsterley, Clun Rural District.
	Atcham Rural (Ellesmere Rural Water Supply) Order, 1949.	—	2nd May, 1949.	S. 113 P.H.A., 1936.	Supply outside district to Walford Manor and Estate, Ellesmere Rural District.
Audenshaw Urban District Council (see Ashton-under-Lyne).	—	—	—	—	—
Axbridge Rural District Council.	Axbridge Rural (Water Supply—Outside District) Order, 1946.	—	1st April, 1946.	S. 113 P.H.A., 1936.	Supply outside district to Draycott School, Rodney Stoke, Wells Rural District.
Banbury Corporation ...	Banbury Corporation Act, 1946...	9 & 10 Geo. 6. c. lxii.	6th November, 1946.	—	Acquisition of undertaking of Banbury Water Company.
Banbury Water Company ...	Banbury Corporation Act, 1946...	9 & 10 Geo. 6. c. lxii.	6th November, 1946.	—	Transfer of undertaking to Banbury Corporation.
Barnsley Corporation ...	Barnsley Water Order, 1947 ...	2808	12th December, 1947.	D.R. 50 and 50A.	Authorises construction of pumping station in Penistone Rural District, and abstraction of water from existing boreholes.
	Barnsley Water Order, 1948. ...	2648	4th December, 1948.	D.R. 50 and 50A.	Authorises construction of a borehole and abstraction of water therefrom for a period of twelve months.
Barnstaple Rural District Council.	North Devon Water Board Act, 1945.	9 Geo. 6. c. vi.	10th December, 1945.	—	Transfer of Council's Water undertaking to Board.
Barnstaple Water Company...	North Devon Water Board Act, 1945.	9 Geo. 6. c. vi.	10th December, 1945.	—	Transfer of Company's undertaking to Board.
Barrow in Furness Corporation.	Barrow in Furness (Poaka Beck) Compulsory Purchase Confirmation Order, 1946.	—	3rd December, 1946.	S. 24 ...	See 1945-47 Volume, page 119.
Barton-upon-Humber Urban District Council.	North Lindsey Water Order, 1947	2903	8th December, 1947.	S. 9 ...	Transfer to Urban District Council of part of Barton undertaking of North East Lincolnshire Water Company.
			(28th January, 1948).		
Bathavon Rural District Council.	Bathavon Rural (Clutton Rural Water Supply) Order, 1949.	—	1st July, 1949	S. 113 P.H.A., 1936.	Supply outside limits to Meadgate Inn, Timsbury, Clutton Rural District.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Belper Rural District Council	Belper Rural (Milford Water Supply) Order, 1947.	—	26th September, 1947.	S. 113 P.H.A., 1936.	Supply outside district to certain premises at Makeney, Milford and Chevin, Belper Urban District, described in the schedule to the order.
Berwick-upon-Tweed Corporation.	Borough of Berwick-upon-Tweed (Water Supply—Outside District) Order, 1946.	—	6th March, 1946	S. 113 P.H.A., 1936.	Supply outside district to Blackhill Colliery, Unthank, Norham and Islandshires Rural District.
	Borough of Berwick-upon-Tweed (Water Supply—Outside District) Order (No. 2), 1946.	—	18th March, 1946.	S. 113 P.H.A., 1936.	Supply outside district to Westfield, Tweedmouth, Norham and Islandshires Rural District.
	Borough of Berwick-upon-Tweed (Water Supply—Outside District) Order (No. 3), 1946.	—	3rd July, 1946	S. 113 P.H.A., 1936.	Supply outside district to Borewell Farm, Norham and Islandshires Rural District.
	Berwick-upon-Tweed (Ord Moor, Tweedmouth Water Supply) Order, 1947.	—	17th June, 1947	S. 113 P.H.A., 1936.	Supply outside district to the farm and premises known collectively as Ord Moor, Tweedmouth, Norham and Islandshires Rural District.
	Berwick - upon - Tweed (Water Supply — Outside District) Order, 1948.	—	27th July, 1948	S. 113 P.H.A., 1936.	Supply outside district to the farm and premises known as Springfield, Ord, Berwick-upon-Tweed, Norham and Islandshires Rural District.
Beverley Corporation	Beverley Water Order, 1949	551	24th March, 1949. (1st April, 1949).	S. 33	Repeals local enactments relating to the Corporation's water undertaking to the intent that it shall be carried on under the Public Health Act, 1936.
Bexhill Corporation	Bexhill Water (Cowbeech Intake) Order, 1947.	330	19th February, 1947.	D.R. 50 and 50A.	Authorises construction of an intake and pumping main at or near to Corporation's Cowbeech Pumping Station, and the abstraction of water from the river Cuckmere until 31st January, 1949.

Bexhill (Cowbeech) Compulsory Purchase Confirmation Order, 1947.	—	20th September, 1947.	S. 24	...	Compulsory purchase of land near Sheepwash Bridge Herston- ceux—see 1947-48 volume, page 92.
Bexhill Water (Wallers Haven Intake) Order, 1947.	2473	8th November, 1947.	D.R. 50 and 50A.	...	Authorises the construction of an intake, pumphouse and pumping main at or near the Corporation's Hazard's Green Pumping Station, and the abstraction of water from Wallers Haven until 31st October, 1949.
Bexhill (Heathfield and District Water Company Water Supply) Order, 1948.	—	12th March, 1948.	S. 11	...	Supply outside limits—see 1947-48 volume, page 91.
Bexhill Water Order, 1948	2395	3rd November, 1948.	D.R. 50 and 50A.	...	Authorises the construction of a borehole adjacent to Cowbeech pumping station and abstraction of water therefrom.
Bexhill Water (Cowbeech Intake) Amendment Order, 1949.	80	18th January, 1949.	D.R. 50, 50A and 98.	...	Extends until 10th December, 1950, the effect of the Bexhill Water (Cowbeech Intake) Order, 1947.
Borough of Bideford (Water Supply) Compulsory Purchase Confirmation Order, 1948.	—	15th April, 1948	S. 24	...	Compulsory purchase of land at Sentry Corner, Bideford—see 1947-48 volume, page 93.
North Devon Water Board Act, 1945.	9 Geo. 6. c. vi.	10th December, 1945.	—	—	Transfer of Council's water undertaking to Board.
Bilston (Woodcross) Compulsory Purchase Confirmation Order, 1948.	—	18th August, 1948.	S. 24	...	Compulsory purchase of land—see page 264.
Birmingham Water Order, 1946	823	1st May, 1946	S. 33	...	Amends section 35 of Waterworks Clauses Act, 1847—see 1945-47 volume, page 6.
Birmingham Corporation Act, 1946	9 & 10 Geo. 6. c. lii.	1st August, 1946.	—	—	Miscellaneous provisions — see 1945-47 volume, page 121.
Birmingham (River Elan Compensation Water) Order, 1948.	1972	26th August, 1948.	D.R. 50 and 58A.	...	Varies the amount of compensation water to be discharged by the Birmingham Corporation from the Caban Coch reservoir into the river Elan prescribed under section 28 of the Birmingham Corporation Water Act, 1892; requires the Coventry Corporation to construct a weir to gauge the flow of the river Wye.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Bolton Corporation ...	Bolton (Scale of Water Charges) Order, 1949.	283	21st February, 1949.	Bolton Cor- poration Act, 1922, S. 24.	Fixes maximum rates and charges to be levied by the Bolton Cor- poration for a domestic supply of water for the period up to 1st April, 1951, and thereafter.
Boston Corporation ...	Boston Water Order, 1947 ...	1952	8th September, 1947.	S. 10 ...	Extends limits of supply to parishes in rural district of Spilsby—see 1947-48 volume, page 4.
Bournemouth Corporation ...	Boston (Spilsby Rural Supply) Order, 1948.	—	5th March, 1948	S. 11 ...	Supply outside limits—see 1947-48 volume, page 91.
	Bournemouth Water (Temporary Borrowing) Order, 1949.	259	19th February, 1949.	D.R. 56 ...	Authorises the Corporation to borrow sums in excess of those authorised by S. 49 of the Bourne- mouth Gas and Water Act, 1938, until 31st December, 1949.
Bradford Corporation ... Bradford and Melksham Rural District Council.	Bournemouth Water (Temporary Borrowing) Amendment Order, 1949.	484	19th March, 1949.	D.R. 56 and 98.	Varies section 3 of the Bournemouth Water (Temporary Borrowing) Order, 1949, to allow an increase in the Corporation's borrowing powers.
	Morley Water Order, 1948 ... Bradford and Melksham Rural (Water Supply) Order, 1948.	1410 —	25th June, 1948 14th December, 1948.	S. 10 ... S. 113 P.H.A., 1936.	Reduction of limits of supply. Supply outside district to premises in Calne and Chippenham Rural District.
	Bradford and Melksham Rural (Calne and Chippenham Rural Water Supply) Order, 1949. County Borough of Brighton (Chailey Rural Supply) Order, 1946.	—	2nd June, 1949	S. 113 P.H.A., 1936.	Supply outside district to premises in Calne and Chippenham Rural District.
Brighton Corporation ...	Brighton Corporation Water Order, 1948.	641	9th September, 1946. 23rd March, 1948.	S. 11 ... S. 23	Supply outside limits—see 1945-47 volume, page 118. Construction of works at Mile Oak pumping station—see 1947-48 volume, page 47.

Brighton Corporation Act, 1948, Part V.	11 & 12 Geo. 6. c.xxxviii.	30th July, 1948	—	Applies Third Schedule to Water Act, 1945, to Corporation's Water undertaking.
Brighton (Outside limits—Water Supply) Order, 1948.	—	5th November, 1948.	S. 11	Supply outside limits—see page 263.
Bristol Waterworks Order, 1947...	1149	12th June, 1947 (1st July, 1947)	Ss. 32 and 40	Applies Third Schedule to Com- pany's undertaking.
Bristol Waterworks Company (Clutton Rural Supply) Order, 1947.	—	3rd September, 1947.	S. 11	Supply outside limits—see 1947-48 volume, page 90.
Bristol Waterworks Company (Thornbury Rural Supply) Order, 1947.	—	11th September, 1947.	S. 11	Supply outside limits—see 1947-48 volume, page 90.
Bristol Waterworks Company (Clutton Rural Supply) (No. 2) Order, 1947.	—	14th October, 1947.	S. 11	Supply outside limits—see 1947-48 volume, page 90.
Bristol Waterworks Company (Clutton Rural Supply) Order, 1948.	—	8th January, 1948.	S. 11	Supply outside limits—see 1947-48 volume, page 90.
Bristol Waterworks Company (Clutton Rural Supply) (No. 2) Order, 1948.	—	6th July, 1948	S. 11	Supply outside limits—see 1947-48 volume, page 91.
Bristol Waterworks Company (Sodbury Rural Water Supply) Order, 1948.	—	26th November, 1948.	S. 11	Supply outside limits—see page 263.
Bristol Waterworks Company (Clutton Rural Supply) (No. 3) Order, 1948.	—	9th December, 1948.	S. 11	Supply outside limits—see page 263.
Bristol Waterworks Company (West Gloucestershire Water Company) Water Supply Order, 1948.	—	9th December, 1948.	S. 11	Supply outside limits—see page 263.
Bristol Waterworks Company (Portishead District Water Com- pany Water Supply) Order, 1948.	—	20th December, 1948.	S. 11	Supply outside limits—see page 263.
Bristol Waterworks Order, 1949 ...	848	28th April, 1949	S. 33	Amends sections 12, 13 and 30 of the Bristol Waterworks Act, 1939, to allow the extension of time for the construction of authorised works and the exercise of powers of compulsory pur- chase.

Bristol Waterworks Company

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Brixworth Rural District Council.	Mid-Northamptonshire Water Board Order Confirmation (Special Procedure) Act, 1949.	12 & 13 Geo. 6. c. ix.	31st May, 1949	—	Transfer of undertaking to Joint Board.
Brymbo Water Company ...	Brymbo Water Company (Wrexham and East Denbigh Water Company Supply) Order, 1948.	—	1st January, 1948.	S. 11 ...	Supply outside limits—see 1947-48 volume, page 90.
Buckfastleigh Urban District Council	Buckfastleigh Urban (Merryfield Farm Field Water Supply) Order, 1947.	—	14th July, 1947	S. 113 P.H.A., 1936.	Supply outside district to a field being part of Merryfield Farm, West Buckfastleigh, Totnes Rural District.
Bucks Water Board ...	Bucks Water Board (Ploughley Rural District Supply) Order, 1945.	—	11th December, 1945.	S. 113 P.H.A., 1936.	Supply outside district to certain premises in the Parish of Horton-cum-Studley, Ploughley Rural District, in the area shown edged in red on the map referred to in the order.
	Bucks Water Board Act, 1946 ...	9 & 10 Geo. 6. c. xx.	22nd May, 1946	—	Acquisition of Chiltern Hills Spring Water Company's undertaking.
	Bucks Water Board (Works) Order, 1946.	1899	11th November, 1946.	S. 23 ...	Authorises construction of Hawridge Pumping Station.
	Bucks Water Order, 1947 ...	2876	31st December, 1947.	Ss. 23 and 26	Authorises construction of intake and pumping station at Thornborough, and abstraction of water from river Great Ouse.
	Bucks Water Board Compulsory Purchase Confirmation Order, 1948.	—	20th January, 1948.	S. 24 ...	Compulsory purchase of land at Thornborough, Maids Moreton and Foxcote—see 1947-48 volume, page 93.
	Bucks Water Order, 1948 ...	2786	20th December, 1948.	S. 32 ...	Applies certain provisions of the Third Schedule to the Water Act, 1945, to the Board's undertaking.
	Bucks Water Board (Byron Road, Aylesbury) Compulsory Purchase Confirmation Order, 1949.	—	19th April, 1949	S. 24 ...	Compulsory purchase of land—see page 265.

	Bucks Water Board (Brackley Rural Water Supply) Order, 1949.	—	13th May, 1949	S. 11	...	Supply outside limits—see page 263.
	Bude-Stratton Urban District Council.	2283	30th August 1948. (4th October, 1948).	Ss. 23 and 26		Authorises the construction of the Tamar reservoir and the impounding and use of water intercepted thereby.
	Bungay Urban District Council.	—	3rd December, 1947.	S. 113 P.H.A., 1936.		Supply outside district to Wainford House, six malthouses and four cottages, all in Pirnhov Street, Ditchingham, Loddon Rural District.
	Burgess Hill Water Company	460	14th March, 1947.	S. 23	...	Authorises construction of reservoir at Newtimber and raising of additional capital.
	Burgess Hill Water Order, 1949 ...	524	23rd March, 1949.	S. 33	...	Amends sections 7 and 24 of the Burgess Hill Water Act, 1937, to extend the time for the completion of authorised works.
	Burnley Corporation	1047	27th May, 1947	S. 33	...	Repeals section 22 of Burnley Corporation Act, 1908.
273	Burton Latimer Urban District Council.	12 & 13 Geo. 6. c. ix.	31st May, 1949	—		Transfer of undertaking to the Board.
	Camborne Water Company...	940	22nd March, 1948. (29th April, 1948).	Ss. 10 and 23		Extends Company's limits of supply, and authorises raising of additional capital.
	Cambridge University and Town Waterworks Company.	2337	31st October, 1947.	S. 33	...	Amends section 6 of Cambridge University and Town Waterworks Act, 1910.
	Canterbury Gas and Water Company.	—	25th March, 1949.	S. 11	...	Supply outside limits—see page 263.
	Carnforth District Waterworks Company.	—	26th April, 1948	S. 24	...	Compulsory purchase of land at Pedderpots—see 1947-48 volume, page 94.
	Castle Donnington Rural District Council.	—	24th November, 1948.	S. 113 P.H.A., 1936.		Supply outside district to Whitehouse Farm, Worthington.
	Castleford Urban District Council.	—	16th May, 1949	S. 24	...	Authorises compulsory purchase of land—see page 265.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Ceiriog Rural District Council	Ceiriog Rural (Water Supply— Outside District) Order, 1949.	—	19th July, 1949	S. 113 P.H.A., 1936.	Supply outside district to premises in the Llanfyllin Rural District.
Chatham and District Water Company.	Chatham and District Water Order, 1946.	885	20th June, 1946	S. 9 ...	Transfers to Company the under- taking of Rainham Waterworks Company Limited.
Chelmsford Corporation ...	Chatham and District Water Company (Boxley Supply) Order, 1946. Chelmsford Water Order, 1948 ...	— 2391	24th October, 1946. 2nd November, 1948.	S. 11 S. 33	Supply outside limits—see 1945— 47 volume, page 118. Varies the conditions of pumping water and abstraction from the river Chelmer laid down in section 20 of the Chelmsford Corporation Water Act, 1923.
Cheltenham and Gloucester Joint Water Board.	Cheltenham and Gloucester Joint Water Board Order, 1949.	776	22nd April, 1949	S. 33	Repeals section 112 of the Chelten- ham and Gloucester Joint Water Board &c. Act, 1936; provides for new financial arrangements between the Board and Gloucester Corporation.
Chesterfield and Bolsover Water Board.	Cheltenham and Gloucester Joint Water Board (No. 2) Order, 1949.	1383	21st July, 1949	S. 33	Amends section 7 of the Cheltenham and Gloucester Joint Water Board etc. Act, 1936, to vary the date of appointment of members of the Board.
Chesterfield Rural District Council.	Chesterfield and Bolsover Water Order, 1947. Chesterfield Rural (Higham) Com- pulsory Purchase Confirmation Order, 1947.	1597 —	24th July, 1947 5th November, 1947.	S. 10 S. 24	Extends limits of supply. Compulsory purchase of land at Higham—see 1947-48 volume, page 92.
Chesterton and St. Ives Joint Water Board.	Chesterton and St. Ives Joint Water Order, 1948.	2757	17th December, 1948. (1st January, 1949).	S. 9 P.H.A., 1936.	Authorises the Board to fix charges in respect of water taken by constituent councils to meet the deficits of the Board.

Chiltern Hills Spring Water Company.	Bucks Water Board Act, 1946 ...	9 & 10 Geo. 6. c. xx.	22nd May, 1946	—	Transfer of undertaking to Bucks Water Board.
Chippenham Corporation ...	Chippenham Borough (Water Supply—Outside District) Order, 1947.	—	26th February, 1947.	S. 113 P.H.A., 1936.	Supply outside districts to premises in Calne and Chippenham Rural District in the area shown and coloured pink on the map referred to in the order.
Cleveland Water Company ...	Cleveland Water Order, 1946 ...	—	14th November, 1946.	D.R. 50 and 50A.	Authorises construction of pumping station at Commandale and line of pipes, and abstraction of water from Sleddale Beck.
	Cleveland Water Amendment Order, 1949.	1373	(15th November, 1946. 20th July, 1949	D.R. 56 ...	Increases the amount of water which the Cleveland Water Company may take from Sleddale Beck under article 4 of the Cleveland Water Order, 1946.
Clutton Rural District Council	Clutton (Home Farm, Ston Easton Field Water Supply) Order, 1947	—	14th July, 1947	S. 113 P.H.A., 1936.	Supply outside district to part of Home Farm, Ston Easton, Chewton Mendip, Wells Rural District.
Coalville Urban District Council.	Coalville (Ashby-de-la-Zouch Rural Water Supply) Order, 1948.	—	11th September, 1948.	S. 113 P.H.A., 1936.	Supply outside district to Redhills Farm, Swannington, Ashby-de-la-Zouch Rural District.
Cockermouth Rural District Council.	Workington Water Order, 1948 ...	426	16th January, 1948. (27th February, 1948).	S. 33 ...	Amends Workington Corporation Act, 1899, with respect to supply to Rural District Council.
Cockermouth Urban District Council.	Workington Water Order, 1948 ...	426	16th January, 1948. (27th February, 1948).	S. 33 ...	Amends Workington Corporation Act, 1899, with respect to supply to Rural District Council.
Colchester Corporation ...	Colchester (Lexden and Winstree Rural Water Supply) Order, 1948.	—	9th June, 1948	S. 11 ...	Supply outside limits—see 1947–48 volume, page 91.
Colne Valley Water Company	Colne Valley Water Act, 1945 ...	9 Geo. 6. c. viii.	10th December, 1945.	—	Construction of Hilfield Park reservoir, Netherwild pumping station, Bricket Wood pumping station, Wall Hall pumping station and other waterworks.
Corby (Northants) and District Water Company.	Mid-Northamptonshire Water Board Order Confirmation (Special Procedure) Act, 1949.	12 & 13 Geo. 6. c. ix.	31st May, 1949	—	Transfer of the Corby distribution system to Joint Board.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945 unless other- wise stated)	Short effect
Corby Urban District Council	Mid-Northamptonshire Water Board Order Confirmation (Special Procedure) Act, 1949.	12 & 13 Geo. 6. c. ix.	31st May, 1949	—	Transfer of undertaking to Joint Board.
Coventry Corporation ...	Coventry Corporation Act, 1948, Part III.	11 & 12 Geo. 6. c. xxxvii.	30th July, 1948	—	Authorises construction of works and extends time for completion of works authorised by Act of 1939; limits abstraction from River Avon.
Cranleigh and Chiddingfold Water Company Limited.	Cranleigh District Water Order, 1948.	2213	30th September, 1948.	Ss. 23 and 32	Authorises the company to raise additional capital and borrow money.
Crawley Development Corporation.	Crawley and Three Bridges Water Order, 1948.	2523	20th November, 1948.	S. 23 ...	Authorises the corporation to supply water within the area situated in the Rural Districts of Dorking and Horley, Horsham, and Cuckfield designated by the Crawley New Town (Designation) Order, 1947.
Crediton Rural District Council.	North Devon Water Board Act, 1945.	9 Geo. 6. c. vi.	10th December, 1945.	—	Transfer of Council's water undertaking to Board.
Crewe Corporation ...	Mid and South East Cheshire Water Board Act, 1946.	9 & 10 Geo. 6. c. xxviii.	12th July, 1946	—	Transfer of Corporation's water undertaking to Board.
Crewkerne Urban District Council.	Crewkerne Water Order, 1947 ...	228	10th February, 1947.	S. 9 ...	Transfers to Council the undertaking of Crewkerne Water Supply Company Limited.
Cricklade and Wootton Bassett Rural District Council.	Cricklade and Wootton Bassett (Water Supply) Order, 1948.	—	31st January, 1948.	S. 113 P.H.A., 1936.	Supply outside district to Bittlesea Farm in the Parish of Christian Malford, Calne and Chippenham Rural District.
Crowborough District Water Company.	Crowborough District Water Company (Uckfield Rural District Supply) Order, 1946.	—	25th February, 1946.	S. 11 ...	Supply outside limits—see 1945—47 volume, page 118.

		Coggins Mill Survey Authorisation and Direction, 1949.	—	25th January, 1949.	Water Act, 1948, S. 8 and Town and Country Planning Act, 1947, S. 35.	Authorises company to survey about 3,005 acres of meadowland at Coggins Mill, Mayfield, Sussex.
Cuckfield Rural District Council.		Crowborough Water Order, 1949	47	14th January, 1949.	S. 10 ...	Reduces the company's water limits.
		Cuckfield and Horsham Water Order, 1947.	585	28th March, 1947. (1st April, 1947)	S. 33	Repeals local enactments relating to undertaking acquired by council, to the intent that council's undertaking shall be carried on under the Public Health Act, 1936.
Darwen Corporation	...	Darwen Water Order, 1948	1718	22nd July, 1948	S. 23	Authorises construction of pumping station and other water-works at Goose House Road, Darwen.
Daventry Corporation	...	Mid-Northamptonshire Water Board Order Confirmation (Special Procedure) Act, 1949.	12 & 13 Geo. 6. c. ix.	31st May, 1949	—	Transfer of undertaking to Joint Board.
Dawley Urban District Council.		East Shropshire Water Board Order, 1948.	2399	3rd November, 1948.	S. 9	Transfer of Council's undertaking to Joint Board.
Denbigh Water Company	...	Denbigh Water Order, 1949	1108	11th May, 1949 (1st July, 1949).	Ss. 23, 32 and 33.	Authorises the construction of a pumping station and the taking of water intercepted thereby; confers power to raise additional capital and borrow money.
		Denbigh Water (No. 2) Order, 1949.	1156	21st June, 1949 (1st July, 1949)	S. 40	Alters the charge for a supply of water for domestic purposes authorised under section 37 of Denbigh Waterworks Act, 1863, as amended.
Derwent Valley Water Board		Derwent Valley Water Order, 1949	324	28th February, 1949.	S. 33	Amends the Derwent Valley Water Act, 1899, to vary the date of appointment of members to the Board, the auditor and the standing arbitrator.
Desborough Urban District Council.		Mid-Northamptonshire Water Board Order Confirmation (Special Procedure) Act, 1949.	12 & 13 Geo. 6. c. ix.	31st May, 1949	—	Transfer of undertaking to Joint Board.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Doncaster Corporation ...	Doncaster Order, 1945, confirmed by the Ministry of Health Pro- visional Order Confirmation (Doncaster) Act, 1945.	9 Geo. 6. c. iii.	10th December, 1945.	Order made under Public Health Act, 1875, s. 303. ...	Authorises construction of Ross- ington Bridge pumping station, Butterworth Works water tower and Funningley pumping station.
Driffield Water Company ...	Doncaster Water Order, 1948 ... Driffield Water Order, 1948 ...	1739 1858	24th July, 1948 7th August, 1948.	S. 23 ... S. 23 ...	Authorises construction of Cusworth service reservoir. Authorises the continuance and maintenance of North End pump- ing station and the taking of waters intercepted thereby, the raising of additional capital and the borrowing of certain sums.
Dukinfield Corporation (see Ashton-under-Lyne). Durham County Water Board	Durham County Water Board (Durham Rural District Supply) Order, 1946. Durham County Water Board (Barnard Castle and Darlington Rural Districts Supply) Order, 1946. Durham County Water Board Order, 1947.	— — —	25th June, 1946 6th September, 1946. 31st December, 1947.	S. 11 ... S. 11 ... Durham County Water Board Act, 1920, S. 19.	Supply outside limits—see 1945-47 volume, page 118. Supply outside limits—see 1945-47 volume, page 118. Varies representation on the Board and quorum at meetings.
Eastbourne Waterworks Com- pany.	Eastbourne Water Order, 1948 ...	2462	12th November, 1948.	Ss. 9 and 23	Transfers to the Company the undertaking of the Hailsham Water Company; authorises the Company to borrow certain sums. Consolidation of capital and raising of additional capital.
East Grinstead Gas and Water Company.	East Grinstead Gas and Water Act, 1945.	9 Geo. 6. c. xii.	20th December, 1945.	—	

East Kesteven Rural District	East Kesteven Rural (Water Supply — Outside District) Order, 1946.	—	2nd November, 1946.	S. 113 P.H.A., 1936.	Supply outside district to Bridge House Farm, Harts Ground, Dogdyke, Boston Rural District.
East Shropshire Water Board	East Kesteven Rural (Spalding Rural Water Supply) Order, 1949.	—	2nd May, 1949	S. 113 P.H.A., 1936.	Supply outside district to Bark Farm, Donnington, Spalding.
East Surrey Water Company	East Shropshire Water Board Order, 1948.	2399	3rd November, 1948.	S. 9 ...	Constitutes the East Shropshire Water Board.
	East Surrey Water Order, 1946 ...	2119	11th December, 1946.	S. 23	Authorises the construction of a series of pumping stations between Buckland and Titsey and the raising of additional capital.
East Worcestershire Waterworks Company.	East Worcestershire (Cookhill Supply) Order, 1948.	—	30th March, 1948.	S. 11	Supply outside limits—see 1947–48 volume, page 91.
Ebbw Vale Urban District Council.	East Worcestershire Water Order, 1948.	644	30th March, 1948.	S. 9	Transfers to Company part of the water undertaking of Redditch Urban District Council.
Elham Valley Water Company Limited.	Tredegar Urban District Council Water Order, 1948.	2168	21st September, 1948.	S. 10	Transfer of part of undertaking to Tredegar Urban District Council.
Ellesmere Port Urban District Council.	Elham Valley Water Company Limited (Shepway, Lympe Hill Supply) Order, 1948.	—	(1st October, 1948).	S. 11	Supply outside limits—see 1947–48 volume, page 90.
Exmouth Urban District Council.	West Cheshire Water Board Order, 1948.	1976	21st January, 1948.	S. 10	Extends Board's limits and transfers to Board waterworks of the Council in the added limits.
Falmouth Corporation	Exmouth Water Order, 1947 ...	910	26th August, 1948.	S. 23	Authorises construction of a new well at Colaton Raleigh.
Farnham Council.	Falmouth Water Order, 1948 ...	1681	(1st September, 1948).	S. 10	Varies Corporation's limits of supply.
Fylde Water Board ...	Wey Valley Water Order, 1949 ...	547	12th May, 1947	Ss. 9 and 23	Transfer of undertaking to Wey Valley Water Company.
Gainsborough Rural District Council.	Fylde Water Order, 1948 ...	906	8th June, 1948 (9th July, 1948) 24th March, 1949.	S. 33	Amends section 35 of Waterworks Clauses Act, 1847.
	Gainsborough Rural (Thorpe-le-Fallows Water Supply) Order, 1948.	—	27th April, 1948	S. 113 P.H.A., 1936.	Supply outside district to the parish of Thorpe-le-Fallows.
			7th October, 1948.		

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Gipping Rural District Council.	Gipping Rural (Water Supply) Order, 1948.	—	21st April, 1948	S. 113 P.H.A., 1936.	Supply outside district to Nelson Farm and Nelson Garage, Witnesham, Deben Rural District.
Glastonbury Corporation ...	Glastonbury (Wells Rural Hartlake Farm Supply) Order, 1947.	—	1st August, 1947.	S. 11 ...	Supply outside limits—see 1945-47 volume, page 119.
Gloucester Corporation ...	Gloucester Corporation Act, 1945	9 Geo. 6. c. ix.	10th December, 1945.	—	Extension and redefinition of limits of supply.
	Gloucester Water Order, 1947 ...	2177	8th October, 1947.	S. 10 ...	Extends Corporation's limits of supply.
Great Berkhamstead Waterworks Company.	Great Berkhamstead Water Order, 1948.	2671	8th December, 1948.	Ss. 9 and 23...	Transfers to the Company the undertaking of the Ashridge Water Company Ltd.; confers additional borrowing powers.
Grimsby Cleethorpes and District Water Board.	Grimsby Cleethorpes and District Water Board Order, 1947.	97	16th January, 1947.	S. 10 ...	Extends Board's limits of supply.
Hailsham Water Company ...	Eastbourne Water Order, 1948 ...	2462	12th November, 1948.	Ss. 9 and 23...	Transfer of undertaking to Eastbourne Waterworks Company.
Harrogate Corporation ...	Harrogate (Lofters Hill Water Supply) Order, 1947.	—	18th October, 1947.	S. 11 ...	Supply outside limits—see 1947-48 volume, page 90.
	Harrogate (Wetherby Rural Water Supply) Order, 1949.	—	9th April, 1949	S. 11 ...	Supply outside limits—see page 263.
Hastings Corporation ...	Hastings Water Order, 1947 ...	801	18th March, 1947.	S. 33 ...	Amends section 35 of Waterworks Clauses Act, 1847.
	Hastings Water Order, 1949 ...	1212	(22nd April, 1947). 28th June, 1949	S. 33 ...	Amends s. 40 of the Hastings Corporation (General Powers) Act, 1937, to extend the Corporation's limits of supply to include the parish of Pett, Battle Rural District.

Heanor Council.	Urban	District	Heanor Water Order, 1949	...	470	17th March, 1949. (1st April, 1949)	S. 33	...	Repeals local enactments relating to the Council's water undertaking to the intent that it shall be carried on under the P.H.A., 1936.
Helston and Porthleven Water Company.	Helston and Porthleven	Water	Act, 1947.	...	10 & 11 Geo. 6. c. xxxiv.	31st July, 1947	—	...	Confirmation of construction of works and extension of limits of supply.
Hemel Hempstead Corporation.	Hemel Hempstead	Corporation.	Water Order, 1947.	...	1725	8th August, 1947.	S. 23	...	Construction of well and pumping station in the borough.
Herne Bay Council.	Urban	District	Water Order, 1948	...	1757	26th July, 1948	S. 23	...	Transfers waterworks of Council at Herne Common to Herne Bay Waterworks Company.
Herne Bay Waterworks Company.	Waterworks	Company.	Water Order, 1948	...	1757	26th July, 1948	S. 23	...	Transfers to Company waterworks of Herne Bay Urban District Council at Herne Common.
Herriard and Lasham Water Company Limited.	Herriard and Lasham	Water	Company Limited (Basingstoke Rural District Supply) Order, 1946.	...	—	31st May, 1946	S. 11	...	Supply outside limits—see 1945-47 volume, page 118.
Hertford Council.	Rural	District	Water Supply Order, 1947.	...	2821	23rd December, 1948.	Ss. 9, 10, 23 and 33.	...	Transfer of undertaking to Mid-Wessex Water Company.
			Hertford Rural (Water Supply) Order, 1947.	...	—	9th December, 1947.	S. 113 P.H.A., 1936.	...	Supply outside district to a house and bungalow at The Spinney, Bayford, Hatfield Rural District.
			Hertford Rural (Hitchin Rural Water Supply) Order, 1949.	...	—	11th January, 1949.	S. 113 P.H.A., 1936.	...	Supply outside district to Jubilee Cottages, Bragbury End Lane, Datchworth.
Hindley Council.	Urban	District	Water Order, 1948	...	1551	2nd July, 1948 (1st October, 1948).	S. 33	...	Repeals section 37 of Leigh Corporation Act, 1903.
Hitchin Council.	Urban	District	Water Supply—Outside District) Order, 1946.	...	—	23rd July, 1946	S. 113 P.H.A., 1936.	...	Supply outside district to premises in Hitchin Rural District in the areas referred to in the Schedule to the order.
Hitchin Rural District Council	Hitchin Rural	District	Water Supply) Order, 1949.	...	—	23rd June, 1949	S. 113 P.H.A., 1936.	...	Supply outside district to Lodge Farm, Broadfield, Braughing.
Holsworthy Council.	Rural	District	North Devon Water Board Act, 1945.	...	9 Geo. 6. c. vi.	10th December, 1945.	—	...	Transfer of Council's water undertaking to Board.
Horsforth Council.	Urban	District	Water Order, 1948	...	658	30th March, 1948. (1st April, 1948)	S. 32	...	Applies Third Schedule to Water Act, 1945, to Council's water undertaking.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Horsforth Urban District Council— <i>cont.</i>	Horsforth (Yeadon Waterworks Company) Water Supply Order, 1948.	—	30th July, 1948	S. 11	Supply outside limits—see 1947-48 volume, page 92.
Horsham Rural District Council.	Cuckfield and Horsham Water Order, 1947.	585	28th March, 1947. (1st April, 1947)	S. 33	Repeals local enactments relating to undertaking acquired by Council, to the intent that the Council's undertaking shall be carried on under the Public Health Act, 1936.
Ilkeston Corporation	Ilkeston Water Order, 1949	471	17th March, 1949. (1st April, 1949)	S. 33	Repeals local enactments relating to the Corporation's water undertaking to the intent that it shall be carried on under the P.H.A., 1936.
Ipswich Corporation	Ipswich Water Order, 1947	1484	10th July, 1947	S. 23	Authorises continuance of Westfield pumping station and construction of Belstead pumping station.
Irwell Valley Water Board...	Ipswich Corporation Act, 1948, Part IV.	11 & 12 Geo. 6. c. xli.	30th July, 1948	—	Varies water charges and amends section 9 of Ipswich Water Order, 1947.
	Irwell Valley Water Board Order, 1949.	1155	21st June, 1949	D.R. 56	Varies for a period the quantity of water required to be discharged out of Clowbridge reservoir into Lumy Water Stream under section 19 of the Haslingden and Rawtenstall Waterworks Act, 1853.
Kettering Corporation	Mid-Northamptonshire Water Board Order Confirmation (Special Procedure) Act, 1949.	12 & 13 Geo. 6 c. ix.	31st May, 1949	—	Transfer of undertaking to Joint Board.
Kettering Rural District Council.	Mid-Northamptonshire Water Board Order Confirmation (Special Procedure) Act, 1949.	12 & 13 Geo. 6 c. ix.	31st May, 1949	—	Transfer of undertaking to Joint Board.

Kingsbridge and Salcombe Water Board.	...	—	27th August, 1948.	S. 24	...	Compulsory acquisition of land—see page 264.
King's Lynn Corporation	...	191	5th February, 1949.	Water Act, 1948, Ss. 3 and 23.	...	Authorises the construction of a service reservoir, an approach road and pipe.
Kingston-upon-Hull Corporation.	...	—	19th November, 1946.	S. 24	...	Compulsory purchase of land in the borough—see 1945-47 volume, page 119.
Leamington Corporation	...	2275	21st October, 1947.	S. 33	...	Amends section 35 of Waterworks Clauses Act, 1847.
Leeds Corporation	...	2855	31st December, 1948.	S. 26	...	Authorises the Corporation to extract water from the river Leam subject to certain restrictions.
	...	—	22nd September, 1947.	S. 24	...	Compulsory purchase of land in the borough—see 1947-48 volume, page 91.
	...	—	24th February, 1948.	S. 11	...	Supply outside limits—see 1947-48 volume, page 91.
	...	—	16th July, 1948	S. 11	...	Supply outside limits—see 1947-48 volume, page 92.
	...	—	13th August, 1948.	S. 11	...	Supply outside limits—see page 263.
	...	—	16th September, 1948.	S. 11	...	Supply outside limits—see page 263.
Leicester Corporation	...	96	15th January, 1947.	S. 33	...	Amends section 35 of Waterworks Clause Act, 1847.
	...	2853	30th December, 1947.	S. 10	...	Extends Corporation's limits of supply.
Leighton Buzzard District Council.	Urban	—	10th February, 1948.	S. 24	...	Compulsory purchase of land in the Council's district—see 1947-48 volume, page 93.
Lincoln Corporation	...	229	7th February, 1947.	S. 23	...	Authorises construction of bore-hole at Nawton-upon-Trent.
	...	—	10th November, 1947.	S. 11	...	Supply outside limits—see 1947-48 volume, page 90.
	...	—	5th February, 1948.	S. 11	...	Supply outside limits—see 1947-48 volume, page 91.

Name of undertakers	Titles of Acts and orders	Chapter. S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Lincoln Corporation— <i>cont.</i>	Lincoln Water (Relaxation of Limitations) Order, 1948.	1974	25th August, 1948.	D.R. 56 ...	Authorises the Corporation to take water in excess of the quantity specified in section 8 of the Lincoln Corporation (Water, etc.) Act, 1908, up to 31st July, 1949.
Liverpool Corporation ...	Liverpool Water Order, 1946 ...	1617	1st October, 1946.	S. 10 ...	Extends Corporation's limits of supply.
Lleyn Rural District Council	Lleyn Water Order, 1949 ...	675	25th March, 1949. (1st April, 1949)	S. 33 ...	Repeals local enactment with intent that the Council's undertaking shall be carried on under the P.H.A., 1936.
Long Eaton Urban District Council.	Long Eaton Urban District Council Act, 1946, Part III.	9 & 10 Geo. 6. c. xlix.	1st August, 1946.	—	Miscellaneous provisions supplementary to powers under Public Health Act, 1936.
Loughborough Corporation	Loughborough (Basford Rural Water Supply) Order, 1949.	—	27th July, 1949	S. 11 ...	Supply outside limits—see page 264.
Ludlow Corporation ...	Ludlow (Water Supply — Outside District) Order, 1948.	—	15th December, 1948.	S. 113 P.H.A., 1936.	Supply outside district to Mary's Meadow, Ludlow Rural District.
Lymm Urban District ...	Lymm Water Order, 1948 ...	1938	20th August, 1948. (1st October, 1948).	S. 32 ...	Applies certain provisions of the Third Schedule to the Water Act, 1945, to the council's undertakings; repeals and amends local enactments.
Maidstone Waterworks Company.	Maidstone Water Order, 1946 ...	784	31st May, 1946	S. 40 ...	Variation of charge for supply to Barming Heath Mental Hospital.
Maltby Urban District Council.	Maltby (Ivy Cottages Water Supply) Order, 1947.	—	31st October, 1947.	S. 113 P.H.A., 1936.	Supply outside district to premises known as Ivy Cottages, near Stone, Kiveton Park Rural District.
Manchester Corporation ...	Manchester Corporation Act, 1946, Part II.	9 & 10 Geo. 6. c. xxxviii.	26th July, 1946	—	Extension of period for construction of Haweswater works; construction of main.

Applies Part VIII of Third Schedule to Corporation's water undertaking.

Manchester and Salford (Drought) Order, 1947.

2549

25th November, 1947.

D.R. 55 and 56.

Reduces compensation water from Longendale reservoirs and authorises erection of stand pipes in streets in limits of supply until 29th February, 1948.

Manchester and Salford (Drought) Amendment Order, 1948.

415

28th February, 1948.

D.R. 55, 56 and 98.

Extends operation of last mentioned order to 31st May, 1948.

Manchester and Salford (Drought) Amendment (No. 2) Order, 1948.

1153

31st May, 1948

D.R. 55, 56 and 98.

Extends operation of 1947 order to 30th November, 1948.

Manchester Water Order, 1948 ...

1199

5th June, 1948

S. 9 ...

Transfers to Corporation the undertaking of Tintwistle Waterworks Company Limited.

Manchester (Water Charges) Order, 1949.

154

27th January, 1949.

Manchester Corporation Act, 1919, S. 119.

Authorises maximum charge for a domestic supply of water within the Corporation's water limits outside the city of Manchester.

Manchester and Salford (Drought) Amendment (No. 3) Order, 1948.

2604

30th November, 1948.

D.R. 55, 56 and 98.

Extends operation of the 1947 (Drought) Order until 31st May, 1949.

Manchester and Salford (Drought) Amendment Order, 1949.

1030

27th May, 1949

D.R. 55, 56 and 98.

Extends operation of the 1947 (Drought) Order until 30th November, 1949.

Margate (Water Supply outside District) Order, 1947.

—

29th May, 1947

S. 11

Supply outside limits in Eastry Rural District—see 1945-47 volume, page 119.

Marlborough and Ramsbury Rural (Pewsey Rural Water Supply) Order, 1948.

—

21st March, 1949.

S. 113 P.H.A., 1936.

Supply outside district to premises in Pewsey Rural District.

Marple Urban (Water Supply—Outside District) Order, 1947.

—

10th February, 1947.

S. 113 P.H.A., 1936.

Supply outside district to premises variously known as Thecks Farm and Hext Farm, Birch Vale, New Mills Urban District.

Matlock Water Order, 1947 ...

1490

11th July, 1947

S. 33

Repeals local enactments relating to a free supply of water.

Metropolitan Water Board Act, 1946.

9 & 10 Geo. 6. c. xvii.

15th April, 1946

—

Confirmation of various works, construction of various new works, and miscellaneous.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless otherwise stated)	Short effect
Metropolitan Water Board— <i>cont.</i>	Metropolitan Water Board (Relaxation of Limitations) Order, 1947.	2534	19th November, 1947.	D.R. 56 (1B)	Empowers Board to make payment to Thames Conservators of sums over and above those payable under section 163 of Thames Conservancy Act, 1932.
	Lee Conservancy Catchment Board (Increased payments by Metropolitan Water Board) Order, 1949.	808	22nd April, 1949	D.R. 56 (1B)	Relaxes limitations of section 131 of the Lee Conservancy Act, 1868, to enable the Board to require the Metropolitan Water Board to pay certain sums in respect of the years 1949 and 1950.
	Metropolitan Water Board (Appointment of Members) Regulations, 1949.	804	23rd April, 1949	Metropolis Water Act, 1902, Paragraph 13 of Third Schedule.	Varies the date of appointment of representatives to joint committees and to the Board.
	Metropolitan Water Board (Term of Office) Order, 1949.	1014	23rd April, 1949 (22nd May, 1949)	S. 33 ...	Varies the term of office of the chairmen, vice-chairman and members of the Board and amends the Third Schedule to the Metropolis Water Act, 1902, accordingly.
	Metropolitan Water Board (Kingston-upon-Thames) Compulsory Purchase Confirmation Order, 1949.	—	8th June, 1949	S. 24 ...	Compulsory acquisition of land—see page 265.
	Metropolitan Water Board (Emergency Abstraction from River Thames) Water Order, 1949.	1265	2nd July, 1949	Thames Conservancy Act, 1932, S. 167.	Varies the circumstances in which the Board may take water from the Thames by virtue of section 162 of the Thames Conservancy Act, 1932, until 29th November, 1949.

Mid and South East Cheshire Water Board.	Mid and South East Cheshire Water Board Act, 1946.	9 & 10 Geo. 6. c. xxviii.	12th July, 1946	—	Constitution of Joint Board of representatives of Cheshire County Council, Crewe Corporation and Middlewich, Nantwich and Northwich Urban District Councils; transfer to Board of water undertakings of Corporation and Urban District Councils. Supply outside limits—see 1947–48 volume, page 91.
	Mid and South East Cheshire Water Board (Tarvin Rural Supply) Order, 1948.	—	31st January, 1948.	S. 11	Supply outside limits—see page 263.
	Mid and South-East Cheshire Water Board (Macclesfield Rural Supply) Order, 1948.	—	1st October, 1948.	S. 11	Supply outside limits—see page 263.
	Mid and South East Cheshire Water Board (Drayton Rural Water Supply) Order, 1949.	—	27th April, 1949	S. 11	Supply outside limits—see page 263.
Middlewich Urban District Council.	Mid and South East Cheshire Water Board Act, 1946.	9 & 10 Geo. 6. c. xxviii.	12th July, 1946	—	Transfer of Council's water undertaking to Joint Board.
Mid-Glamorgan Water Board	Mid-Glamorgan Water Board (Port Talbot Borough Supply) Order, 1947.	—	1st October, 1947.	S. 11	Supply outside limits—see 1947–48 volume, page 90.
	Mid-Glamorgan Water Order, 1949.	344	25th February, 1949.	S. 23	Authorises Board to continue existing shafts and to construct the “Llanbarry Pumping Station” and subsidiary works; amends section 33 of the Mid-Glamorgan Water Act, 1920.
Mid Kent Water Company...	Mid Kent Water Order, 1949 ...	290	22nd February, 1949.	S. 9 ...	Transfers the undertaking of the South Kent Water Company to the Company.
Mid-Northamptonshire Water Board.	Mid-Northamptonshire Water Board Order Confirmation (Special Procedure) Act, 1949.	12 and 13 Geo. 6. c. ix.	31st May, 1949	—	Constitutes the Board; transfers to the Board a number of existing undertakings; authorises the construction of works and abstraction of water from the River Nene.
Mid Southern Utility Company,	Mid Southern Utility Act, 1945 ...	9 Geo. 6. c. vii.	10th December, 1945.	—	Confirmation of construction of Boxales Lam waterworks and construction of further works thereat.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Mid-Wessex Water Company	Mid-Wessex Water Order, 1948 ...	2821	23rd December, 1948.	Ss. 9, 10, 23 and 33.	Transfers the undertaking of the Herriard and Lasham Water Company, Ltd., to the Company; extends the Company's limits of supply and repeals the Herriard and District Water Order, 1934.
Milford Haven Urban District Council.	Prescelly Water Order, 1948 ...	2215	28th September, 1948.	S. 9	Transfer of Prescelly undertaking to Joint Board.
Morley Corporation ...	Morley (Water Supply—Outside District) Order, 1948.	—	15th March, 1948	S. 11	Supply outside district to premises in Leeds—see 1947-48 volume, page 91.
	Morley Water Order, 1948 ...	1410	25th June, 1948	S. 10	Extends Corporation's limits of supply.
	Morley (Water Supply—Outside District) (Variation) Order, 1948.	—	14th July, 1948	Ss. 11 and 50	Varies order of 15th March, 1948, as to address of premises supplied— see 1947-48 volume, page 91.
Mossley Corporation (see Aston-under-Lyne)	—	—	—	—	—
Mountain Ash Urban District Council.	Mountain Ash Urban (Water Supply—Outside District) Order, 1946.	—	18th February, 1946.	S. 11	Supply outside limits in Neath Rural District—see 1945-47 volume, page 118.
Nantwich Rural District Council.	Nantwich Rural (Water Supply— Outside District) Order (No. 1), 1945.	—	5th November, 1945.	S. 113 P.H.A., 1936.	Supply outside district to premises known as the Cottage Hospital, and the adjoining cottage, Hen- hull, Nantwich Urban District.
	Nantwich Rural (Water Supply— Outside District) Order (No. 2), 1945.	—	5th November, 1945.	S. 113 P.H.A., 1936.	Supply outside district to premises known as the Ancient Briton Inn, Old Woodhouse, Wem Rural District.
Nantwich Urban District Council.	Mid and South East Cheshire Water Board Act, 1946.	9 & 10 Geo. 6. c. xxviii.	12th July, 1946	—	Transfer of Council's water under- taking to Joint Board.
Newbury Corporation ...	Newbury Water Order, 1947 ...	2852	30th December, 1947.	S. 23	Authorises continuance and ex- tension of pumping station at Newbury constructed under Defence Regulations.

Newcastle and Gateshead Water Company.	Newcastle and Gateshead Water Company (Hexham Rural Supply) Order, 1946.	—	31st May, 1946	S. 11	...	Supply outside limits—see 1945-47 volume, page 118.
	Newcastle and Gateshead Water Company (Seaton Valley Supply) Order, 1948.	—	9th July, 1948	S. 11	...	Supply outside limits—see 1947-48 volume, page 91.
Newmarket Rural District ...	Newmarket Rural (Water Supply) Order, 1947.	—	28th August, 1947.	S. 113 P.H.A., 1936.		Supply outside district to the Rose and Crown Inn and Wormalds Cottage, Carlton, South Cambridgeshire Rural District.
Northallerton and District Water Board	Northallerton and District Water Board Order, 1949.	862	24th March, 1949. (28th April, 1949).	Ss. 9, 23, 26 and 33.		Constitutes a Joint Board of representatives of Northallerton Urban and Rural District Councils; authorises construction of reservoir across the Cod Beck and filterhouse in Osmotherley; provides for abstraction from the Cod Beck; transfers the Oakdale undertaking to the Board.
Northallerton Urban District Council.	Northallerton Urban District Council Compulsory Purchase Confirmation Order, 1949.	—	24th March, 1949.	S. 24	...	Authorises compulsory purchase of land in the district—see page 264.
	Northallerton and District Water Board Order, 1949.	862	24th March, 1949. (28th April, 1949).	S. 9 ...	...	Transfers Council's undertaking to Board.
	Northallerton Water Order, 1949	861	24th March, 1949. (28th April, 1949).	Ss. 10, 32 and 33.		Applies certain provisions of the Third Schedule to the Water Act, 1945, to the Council's undertaking; redefines its limits of supply; repeals certain local enactments.
Northampton Corporation ...	Mid-Northamptonshire Board Order Confirmation (Special Procedure) Act, 1949.	12 & 13 Geo. 6. c. ix.	31st May, 1949	—		Transfer of undertaking to Joint Board.
	Northampton Water Compulsory Purchase Confirmation Order, 1949.	—	31st May, 1949	S. 24	...	Authorises compulsory purchase of land in the borough—see page 265.
Northampton Rural District Council.	Mid-Northamptonshire Board Order Confirmation (Special Procedure) Act, 1949.	12 & 13 Geo. 6. c. ix.	31st May, 1949.	—		Transfer of undertaking to Joint Board.
North Cotswold Rural District Council.	North Cotswold (Chipping Norton and Shipston-on-Stour Rural Water Supply) Order, 1949.	—	18th March, 1949.	S. 11	...	Supply outside limits—see page 263.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
North Cumberland Water Board.	North Cumberland Water Board Act, 1947.	10 & 11 Geo. 6. c. xliii.	13th August, 1947.	—	Constitution of Joint Board of representatives of Cumberland County Council, Cockermouth, Maryport and Penrith Urban District Councils and Border, Cockermouth and Penrith Rural District Councils, to provide a supply of water for distribution by the Urban and Rural District Councils; construction of Calderhead impounding reservoir, lines of pipes and treatment works.
North Devon Water Board...	North Devon Water Board Act, 1945.	9 Geo. 6. c. vi.	10th December, 1945.	—	Constitution of Joint Board of representatives of Devon County Council, Barnstaple Corporation, and Barnstaple, Bideford, Broadwoodwidge, Crediton, Holsworthy, Okehampton, Saint Thomas, South Molton, Tavistock and Torrington Rural District Councils; transfer to Board of water undertakings of Barnstaple Water Company and the rural district councils, except Broadwoodwidge Rural District Council; construction of intakes in river Taw and West Okement River, of Wistland pound impounding reservoir, and of mains, service reservoirs, treatment works and other works.
	North Devon Water Board Order, 1949.	644	30th March, 1949.	S. 33	Amends sections 7 and 19 of the North Devon Water Board Act, 1945.
				...	

North East Lincolnshire Water Company.	North Lindsey Water Order, 1947	2903	8th December, 1947. (28th January, 1948).	S. 9 ...	Transfers Company's Barton-upon-Humber undertaking in part to Barton-upon-Humber Urban District Council and in part to North Lindsey Water Board.
North Kesteven Rural District Council.	North Kesteven Rural (Water Supply—Outside District) Order (No. 3), 1945.	—	26th November, 1945.	S. 113 P.H.A., 1936.	Supply outside district to premises in the Parish of Martin, East Kesteven Rural District, in the area shown coloured yellow on the map referred to in the order.
North Lindsey Water Board	North Kesteven Rural (Water Supply—Outside District) Order, 1947. North Lindsey Water Order, 1947	— 2903	19th May, 1947 8th December, 1947. (28th January, 1948).	S. 113 P.H.A., 1936. S. 9 ...	Supply outside district to Rectory Farm, Beckingham, West Kesteven Rural District. Transfers to Board part of North East Lincolnshire Water Company's Barton-upon-Humber undertaking.
North West Sussex Joint Water Board.	North Lindsey Water Board (Redbourne) Compulsory Purchase Confirmation Order, 1948. North West Sussex Joint Water Board Order, 1947.	— 584	5th March, 1948 28th March, 1947.	S. 24 ... Public Health Act, 1936, s. 6.	Compulsory purchase of land for borehole at Redbourne—see 1947-48 volume, page 93. Constitutes Joint Board of representatives of West Sussex County Council, Horsham Urban District Council and Chantonbury and Horsham Rural District Councils.
Northwich Urban District Council. Nottingham Corporation ...	North West Sussex Joint Water Board (Smock Alley) Compulsory Purchase Confirmation Order, 1948. Mid and South East Cheshire Water Board Act, 1946. Nottingham Corporation Act, 1947, Part III.	— 9 & 10 Geo. 6. c. xxviii. 10 & 11 Geo. 6. c. xxxvi.	25th September, 1948. 12th July, 1946 31st July, 1947	S. 24 ... — —	Authorises compulsory purchase of land in the Board's area—see page 264. Transfer of Council's water undertaking to Board. Construction of Halam pumping station, Oxtun service, reservoir, and lines of pipes.
Oakengates Urban District Council. Okehampton Rural District Council. Ongar Rural District Council	East Shropshire Water Board Order, 1948. North Devon Water Board Act, 1945. Ongar Rural (Water Supply—Outside District) Order, 1946.	2399 9 Geo. 6. c. vi. —	3rd November, 1948. 10th December, 1945. 17th September, 1946.	S. 9 ... — S. 113 P.H.A., 1936,	Transfers Council's undertaking to Joint Board. Transfer of Council's water undertaking to Board. Supply outside district to Pooley Pools, Roxwell, Chelmsford Rural District.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Oundle and Thrapston Rural District Council.	Oundle and Thrapston (Raunds Urban Water Supply) Order, 1949.	—	15th June, 1949	S. 113 P.H.A., 1936.	Supply outside district to premises in the Raunds Urban District.
Oxford Corporation	Oundle and Thrapston (Hunting- don Rural Water Supply) Order, 1949.	—	15th June, 1949	S. 113 P.H.A., 1936.	Supply outside district to premises in the Huntingdon Rural District.
...	Oxford Water Order, 1947	1662	1st August, 1947	S. 10	Extends Corporation's limits of supply.
Padstow Urban District Council.	Padstow Urban (Water Supply— Outside District) Order, 1945.	—	2nd October, 1945.	S. 113 P.H.A., 1936.	Supply outside district to Tre- villador Farm, Little Petherick, Wadebridge Rural District.
Petersfield Rural District Council.	Wey Valley Water (No. 2) Order, 1949.	1209	24th June, 1949	Ss. 9, 10, 27 & 33.	Transfer of undertaking to Wey Valley Water Company.
Petworth Rural District Council.	Petworth Rural (Water Supply— Outside District) Order, 1946.	—	12th August, 1946.	S. 113 P.H.A., 1936.	Supply outside district to premises in Hambledon Rural District, in the area shown edged in red on the map referred to in the order (that area being within the limits of supply of the Cranleigh and Chiddingfold Water Company, Ltd.).
Plympton Saint Mary Rural District Council.	Plympton Saint Mary Rural Dis- trict Council Act, 1945, Parts III and IV.	9 & 10 Geo. 6. c. xix.	20th December, 1945.	—	Construction of intake in river Erme, lines of pipes and other waterworks; miscellaneous pro- visions as to supply of water.
Pontefract Corporation	Plympton Saint Mary (Water Supply Outside District) Order, 1946.	—	11th December, 1946.	S. 11	Supply outside limits—see 1945-47 volume, page 118.
...	Pontefract Water Order, 1947	2439	13th November, 1947.	S. 23	Authorises construction of pumping station at Heck.
Poole Corporation	Poole (Corfe Mullen) Compulsory Purchase Confirmation Order, 1947.	—	26th August, 1947.	S. 24	Compulsory purchase of land at Blandford Road, Corfe Mullen —see 1947-48 volume, page 92.

Portishead District Water Company.	Portishead District Water Order, 1947.	451	12th March, 1947	S. 23	...	Authorises construction of well and pumping station at Clapton in the rural district of Long Ashton.
Portsmouth Water Company	Portsmouth Water Order, 1948 ...	1523	30th June, 1948	S. 33	...	Amends requirements as to filtration of section 16 of Borough of Portsmouth Waterworks Act, 1906.
Prescelly Water Board	Prescelly Water Order, 1948 ...	2215	28th September, 1948.	S. 9 ...	...	Constitutes a Joint Board of representatives of Haverfordwest Corporation, Tenby Corporation, Milford Haven Urban District Council and Haverfordwest Rural District Council; transfers the Prescelly undertaking to the Board.
Preston Corporation	Preston Corporation Act, 1947, Part III.	10 & 11 Geo. 6. c. xlv.	13th August, 1947.	—	—	Construction of intakes in Losterdale, Penny and Lane Foot Brooks and Smelt Mill Clough, and of lines of pipes; amendment and provisions as to abstraction from Langden and Hareden streams.
Rainham Waterworks Company Limited.	Chatham and District Water Order, 1946.	885	20th June, 1946	S. 9 ...	...	Transfers Company's undertaking to Chatham and District Water Company.
Ramsey Urban District Council.	Ramsey Urban (Water Supply—Outside District) Order, 1946.	—	28th December, 1946.	S. 113 P.H.A., 1936.	...	Supply outside district to premises in Whittlesey Urban District, in the area shown coloured pink on the map referred to in the order.
Reading Corporation	Reading Corporation Water Order, 1947.	1663	1st August, 1947	S. 23	...	Authorises continuance and extension of pumping station at Pangbourne constructed under Defence Regulations.
Redditch Urban Council.	East Worcestershire Water Order, 1948.	644	30th March, 1948	S. 9 ...	...	Transfers water undertaking of Council to East Worcestershire Waterworks Company.
Rhayader Rural District Council.	Rhayader Rural (Water Supply—Outside District) Order, 1948.	—	28th October, 1948.	S. 113 P.H.A., 1936.	...	Supply outside limits to Upper Scache Farm, in the parish of Llysdinam, Builth Rural District.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Rickmansworth and Uxbridge Valley Water Company.	Rickmansworth and Uxbridge Val- ley Water Company (Chesham Urban Supply) Order, 1946. Rickmansworth and Uxbridge Val- ley Water (Relaxation of limita- tions) Order, 1948.	— 2151	10th September, 1946. 20th September, 1948.	S. 11 D.R.56 (1B)	Supply outside limits—see 1945-47 volume, page 118. Authorises abstraction of water in excess of that provided by section 18 of the Rickmansworth and Uxbridge Water Valley Water Act, 1938.
Ripon Corporation ...	Rickmansworth and Uxbridge Val- ley Water Order, 1949. Ripon Water Order, 1947 ...	627 367	30th March, 1949. (1st April, 1949). 28th February, 1947.	Ss. 9 and 23 S. 32 ...	Transfers the Uxbridge Urban District Council's water under- taking to the Company. Applies section 57 of Third Schedule to Water Act, 1945, to Corporation's undertaking.
Rochdale Corporation ...	Rochdale (Cowm Reservoir Gathering Ground) Compulsory Purchase Confirmation Order, 1948.	—	15th April, 1948	S. 24 ...	Compulsory purchase of land in parish of Whitworth for preven- tion of pollution of source of supply—see 1947-48 volume, page 93.
Ross and Whitchurch Rural District Council.	Ross and Whitchurch Rural (Llan- cloudy) Compulsory Purchase Confirmation Order, 1947.	—	11th December, 1947.	S. 24 ...	Compulsory purchase of land at Llancloudy.
Rotherham Corporation ...	Rotherham Corporation Act, 1946, Part V.	9 & 10 Geo. 6. c. liv.	1st August, 1946	—	Construction of service reservoir.
Rothwell Urban District Council.	Mid - Northamptonshire Water Board Order Confirmation (Spe- cial Procedure) Act, 1949.	12 & 13 Geo. 6. c. ix.	31st May, 1949	—	Transfer of undertaking to Joint Board.
Runcorn District Water Board	Runcorn District Water Board Order, 1949.	1317	12th July, 1949 (1st October, 1949).	Ss. 32 and 40	Incorporates the Third Schedule to the Water Act, 1945, with the Runcorn District Water Board Act, 1923, and repeals and amends provisions of local enact- ments.

Saffron Walden Rural District Council.	Saffron Walden (Water Supply—Outside District) Order, 1946.	—	14th December, 1946.	S. 113 P.H.A., 1936.	Supply outside district to Will's Ayley Farm and two farm cottages therewith, Saffron Walden Borough.
Saint Albans Rural District Council.	Saint Albans Rural (Hemel Hempstead Rural Water Supply) Order, 1949.	—	11th May, 1949	S. 113 P.H.A., 1936.	Supply outside district to Flammstead Rural District.
Saint Ives Rural District Council.	Saint Ives Rural (Water Supply—Outside District) Order, 1945.	—	25th October, 1945.	S. 113 P.H.A., 1936.	Supply outside district to Burleigh Hill Farm in the Borough of Saint Ives (Hunts.).
Saint Thomas Rural District Council.	North Devon Water Board Act, 1945.	9 Geo. 6. c. vi.	10th December, 1945.	—	Transfer of Council's water undertaking to North Devon Water Board.
Salford Corporation ...	Manchester and Salford (Drought) Order, 1947.	2549	25th November, 1947.	D.R. 55 and 56.	Authorises erection of stand pipes in Corporation's limits of supply until 29th February, 1948.
	Manchester and Salford (Drought) Amendment Order, 1948.	415	28th February, 1948.	D.R. 55, 56 and 98.	Extends operation of 1947 Order to 31st May, 1948.
	Manchester and Salford (Drought) Amendment (No. 2) Order, 1948.	1253	31st May, 1948	D.R. 55, 56 and 98.	Extends operation of 1947 Order to 30th November, 1948.
	Manchester and Salford (Drought) Amendment (No. 3) Order, 1948.	2604	30th November, 1948.	D.R. 55, 56 and 98.	Extends operation of the 1947 (Drought) Order until 31st May, 1949.
	Manchester and Salford (Drought) Amendment Order, 1949.	1030	27th May, 1949	D.R. 55, 56 and 98.	Extends operation of the 1947 (Drought) Order until 30th November, 1949.
Sevenoaks and Tonbridge Water Company.	Sevenoaks and Tonbridge Water Order, 1948.	1907	16th August, 1948.	Ss. 9, 23 and 33	Amalgamates the Sevenoaks Water Company and the Tonbridge Waterworks Company Ltd.
Shaftesbury Rural District Council.	Shaftesbury Rural Water Order, 1946.	—	29th October, 1946.	D.R. 50 and 50A.	Authorises abstraction of water from a collecting chamber at East Melbury.
Shifnal Rural District Council	East Shropshire Water Board Order, 1948.	2399	3rd November, 1948.	S. 9 ...	Transfers Council's undertaking to Joint Board.
Shrewsbury Corporation ...	Shrewsbury (Water Supply—Outside District) Order, 1947.	—	8th January, 1947	S. 113 P.H.A., 1936.	Supply outside district to certain premises in Atcham Rural District, in the area shown edged in brown on the map referred to in the order.
Sidmouth Urban District Council.	Sidmouth Urban District Council Water Order, 1946.	1425	21st August, 1946	S. 23 ...	Authorises continuance and enlargement of pumping station, Balcombe Regis.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Sleaford Urban District Council.	Sleaford Water Order, 1949 ...	1331	14th July, 1949 (1st October, 1949).	S. 33 ...	Repeals local enactments to the intent that the Council's undertaking may be carried on under P.H.A., 1936.
South Cambridgeshire Rural District Council.	South Cambridgeshire Rural (Water Supply—Outside District) Order, 1946. South Cambridgeshire Rural (Water Supply—Outside District) Order, 1947.	—	3rd May, 1946 4th February, 1947.	S. 113 P.H.A., 1936. S. 113 P.H.A., 1936.	Supply outside district to Green Man Farm, Tetworth, Saint Neots Rural District. Supply outside district to Story Farm and land, Tetworth, Saint Neots Rural District.
Southampton Corporation ...	Southampton (New Forest Rural Water Supply) Order, 1949.	—	5th July, 1949	S. 11 ...	Supply outside limits—see page 264.
South Kent Water Company	Mid Kent Water Order, 1949 ...	290	22nd February, 1949.	S. 9 ...	Transfer of undertaking to Mid Kent Water Company.
South Kesteven Rural District Council.	South Kesteven Rural (Peterborough Rural Water Supply) Order, 1949.	—	15th June, 1949	S. 113 P.H.A., 1936.	Supply outside district to Lolham Mill, West Deeping, Peterborough Rural District.
South Molton Rural District Council.	North Devon Water Board Act, 1945.	9 Geo. 6. c. vi.	10th December, 1945.	—	Transfer of Council's water undertaking to North Devon Water Board.
South Oxfordshire Water and Gas Company.	South Oxfordshire Water Order, 1946.	282	25th February, 1946.	S. 23 ...	Authorises continuance and construction of well and pumping station at Goring.
South Staffordshire Waterworks Company.	Oxford Water Order, 1947 ... South Staffordshire Waterworks (Nethertown Intake) Order, 1947. South Staffordshire Water (Trunk Main) Order, 1948. South Staffordshire Water Order, 1949.	1662 — 818 109	1st August, 1947. 14th January, 1947. 20th April, 1948 25th January, 1949.	S. 10 ... D.R. 50 and 50A. S. 23 ... S. 23 ...	Reduction of Company's limits of supply of water. Authorises construction of Nethertown intake and abstraction of water from river Blithe. Authorises construction of trunk main outside limits of supply. Authorises the laying of a main outside limits of supply.

Spalding Rural District Council.	Spalding Rural (Water Supply—Outside District) Order, 1947.	—	28th February, 1947.	S. 113 P.H.A., 1936.	Supply outside district to farm premises in Market Deeping, South Kesteven Rural District.
Spalding Urban District Council.	Spalding Water Order, 1946 ...	2082	5th December, 1946.	S. 23 ...	Authorises completion and enlargement of borehole and pumping station at Manning Road, Bourne.
Staffordshire Potteries Water Board.	Staffordshire Potteries Water Order, 1947.	843	5th May, 1947	S. 23 ...	Authorises continuance of pumping station, and construction of new pumping station, at Draycott in the Moors.
	Staffordshire Potteries Water Order, 1948.	949	30th May, 1948	S. 23 ...	Authorises construction of service reservoir at Newcastle-under-Lyme.
	Staffordshire Potteries Water Board Compulsory Purchase Confirmation Order, 1949.	—	7th April, 1949	S. 24 ...	Authorises compulsory purchase of land in the Board's area—see page 265.
	Staffordshire Potteries Water Board Order, 1949.	767	20th April, 1949	S. 23 ...	Authorises construction of a pumping station at Cheddleton, and the enlargement and maintenance of existing mineshafts.
	Staffordshire Potteries Water (Borrowing Powers) Order, 1949.	1343	18th July, 1949	D.R. 56 (1B)	Authorises the Board to borrow money in excess of that provided by section 66 of the Staffordshire Potteries Water Board Act, 1937.
Stalybridge Corporation (see Aston-under-Lyne).					
Stockport Corporation ...	Stockport Water Order, 1947 ...	1048	27th May, 1947	S. 9 ...	Transfers to Corporation the water undertaking of Poynton Collieries Company Limited.
	Stroud Water Order, 1948 ...	2146	20th September, 1948.	S. 10 ...	Varies the Board's limits of supply.
	Stroud District Water Board (Tetbury Rural Water Supply) Order, 1949.	—	8th April, 1949	Stroud District, etc. Water Board Act, 1939, s.79.	Supply outside limits to premises at Cherington, Tetbury Rural District.
	Sturminster Rural (Sherborne Rural Water Supply) Order, 1949.	—	24th February, 1949.	S. 113 P.H.A., 1936.	Supply outside district to two troughs in the Sherborne Rural District.
Sturminster Rural District Council.	Sturminster Rural (Alton Pancras) Compulsory Purchase Confirmation Order, 1949.	—	7th April, 1949	S. 24 ...	Authorises compulsory acquisition of land in the district—see page 265.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Sutton District Water Com- pany.	Sutton District Water Company (Old Mill House, Chipstead Supply) Order, 1947. Sutton District (Relaxation of Obligations and Limitations) Order, 1949.	— 1256	25th June, 1947 1st July, 1949	S. 11 ... D.R. 56 (1B)	Supply outside limits—see 1945-47 volume, page 119. Authorises the Company to supply without softening water obtained in bulk from the Epsom and Ewell Corporation, and to supply water in bulk to the Croydon Corporation, until 1st August, 1949. Authorises the Company to borrow money in excess of that provided by section 25 of the Swaffham Water Order, 1939. Supply outside district to Elmley Ferry House and Cottage, Murston, Sittingbourne and Mil- ton Urban District. Authorises the construction of certain waterworks, reservoir and intakes and authorises the taking of certain waters. Authorises the compulsory acqui- sition of land in the borough—see page 265. Authorises the compulsory acqui- sition of land in the Board's area— see page 264. Supply outside limits—see 1947-48 volume, page 91.
Swaffham Waterworks Com- pany.	Swaffham Water (Borrowing Powers) Order, 1949.	1145	21st June, 1949	D.R. 56 (1B)	
Swale Rural District Council	Swale (Water Supply) Order, 1948	—	22nd April, 1948	S. 113 P.H.A., 1936.	
Swansea Corporation	Swansea Corporation (Waterworks) Order, 1948.	867	5th November, 1948. (1st May, 1949)	Ss. 23 and 26	
Swansea County Borough Council.	Swansea (Water) No. 1 Compul- sory Purchase Confirmation Order, 1949.	—	31st May, 1949	S. 24 ...	
Taf Fechan Water Supply Board.	Taf Fechan Water Supply Board Compulsory Purchase Confirma- tion Order, 1948.	—	22nd November, 1948.	S. 24 ...	
Taunton Corporation	Taunton (Wellington Rural Water Supply) Order, 1948.	—	15th June, 1948	S. 11 ...	

		Borough of Taunton (Water Supply) Revocation Order, 1949.	394	7th March, 1949	D.R. 54B and 98.	Revokes directions given to the Corporation which authorised abstraction of water from the river Otter.
Tavistock Rural District Council.		North Devon Water Board Act, 1945.	9 Geo. 6. c. vi.	10th December, 1945.	—	Transfer of Council's water undertaking to North Devon Water Board.
Tees Valley Water Board ...		Tees Valley Water Order, 1946 ...	1969	21st November, 1946.	Ss. 23 and 26	Authorises construction of intake at Low Worsall, and abstraction of water from river Tees.
		Tees Valley Water Board Compulsory Purchase Confirmation Order, 1947.	—	6th January, 1947.	S. 24	Compulsory purchase of land at Stokesley for service reservoir and other water works—see 1945-47 volume, page 119.
		Tees Valley Water Order, 1947 ...	2331	31st October, 1947.	S. 32	Applies sections 55, 56 and 81 of Third Schedule to Water Act, 1945, to Board's undertaking.
		Tees Valley Water Board (Croft Rural Supply) Order, 1948.	—	9th September, 1948.	S. 11	Supply outside limits—see page 263.
		Tees Valley Water Order, 1948 ...	2190	24th September, 1948.	Ss. 23 and 33	Authorises the Board to construct an intake and pumping station on the River Tees and amends local enactments.
		Tees Valley Water (Emergency) Order, 1949.	1346	18th July, 1949	D.R. 56	Relaxes various provisions of the Tees Valley Water Consolidation Act, 1907, so as to authorise the Board to reduce the flow of compensation water specified by that Act.
Tendring Hundred Waterworks Company.		Tendring Hundred Water and Gas Act, 1947.	10 & 11 Geo. 6. c. xxviii.	31st July, 1947	—	Construction of Dedham pumping station, and miscellaneous provisions.
Tiverton Rural District ...		Tiverton Rural (Honiton Rural Water Supply) Order, 1949.	—	25th March, 1949.	S. 113 P.H.A., 1936.	Supply outside district to Nap Farm, Dulford, Honiton Rural District.
Tonbridge Rural District Council.		Tonbridge Rural (Bidborough Corner Water Supply) Order, 1947.	—	5th August, 1947.	S. 113 P.H.A., 1936.	Supply outside district to land in Southborough Urban District, shown coloured pink on the map referred to in the order.
Tonbridge Waterworks Company, Ltd.		Sevenoaks and Tonbridge Water Order, 1948.	1907	16th August, 1948.	Ss. 9, 23 and 33.	Transfer of undertaking to Sevenoaks & Tonbridge Water Company.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Torrington Council.	North Devon Water Board Act, 1945.	9 Geo. 6. c. vi	10th December, 1945.	—	Transfer of Council's water under- taking to North Devon Water Board.
Tredegar Council.	Tredegar Urban District Council Water Order, 1948.	2168	21st September, 1948. (1st October, 1948).	S. 10 ...	Extends the Council's limits of supply and transfers to the Council so much of the Ebbw Vale Urban District Council's water undertaking as lies within the added limits.
300 Truro Rural District Council	Tredegar Urban District Council Water (No. 2) Order, 1948.	2489	17th November, 1948.	S. 23 ...	Authorises the construction of a reservoir at Dukestown.
	Truro Rural (Water Supply— Outside District) Order, 1946.	—	4th October, 1946.	S. 113 P.H.A., 1936.	Supply outside district to two residences and premises at Mile Hill, Porth Towan, Camborne— Redruth Urban District.
Tynemouth Corporation ...	Tynemouth Corporation Act, 1947, Part II.	10 & 11 Geo. 6. c. xli.	6th August, 1947.	—	Construction of intake near High- ford Bridge and abstraction of water from river Wansback.
Uckfield Council.	Uckfield Water Order, 1948 ...	1906	16th August, 1948. (1st September, 1948).	S. 33 ...	Repeals local enactments to the intent that the Council's under- taking may be carried on under P.H.A. 1936.
Uxbridge Council.	Rickmansworth and Uxbridge Valley Water Order, 1949.	627	30th March, 1949. (1st April, 1949).	Ss. 9 and 23	Transfer of undertaking to Rick- mansworth and Uxbridge Valley Water Company.
Wadebridge Council.	Wadebridge Rural District Council Act, 1945.	9 Geo. 6. c. v	10th December, 1945.	—	Revival of powers for construction of works authorised by Local Act of 1937.
Wallasey Corporation ...	Wallasey Corporation Act, 1945, Part IV.	9 & 10 Geo. 6. c. xiii.	20th December, 1945.	—	Extension of water limits.

Warwick Rural District Council.	Warwick Rural (Water Supply—Outside District) Order, 1946.	—	28th March, 1946.	S. 113 P.H.A., 1936.	Supply outside district to premises in Southam Rural District, in the area shown edged in pink on the map referred to in the order (the area being within the limits of supply of Royal Leamington Spa Corporation).
Watford Corporation	Borough of Watford (Rickmansworth Urban District Supply) Order, 1946.	—	12th December, 1946.	S. 11	Supply outside limits—see 1945-47 volume, page 118.
Wellingborough Rural District Council.	Wellingborough Rural (Nene Wharf Water Supply) Order, 1947.	—	6th October, 1947.	S. 113 P.H.A., 1936.	Supply outside district to property of the River Nene Catchment Board and Messrs. Whitworth Bros., respectively, at Nene Wharf, Wellingborough Urban District.
	Wellingborough Rural (Wellingborough Urban Water Supply) Order, 1949.	—	1st February, 1949.	S. 113 P.H.A., 1936.	Supply outside district to premises at Donnington Ridge, Wellingborough Urban District.
	Mid - Northamptonshire Water Board Order Confirmation (Special Procedure) Act, 1949.	12 & 13 Geo. 6. c. ix.	31st May, 1949	—	Transfers undertaking to Joint Board.
Wellington Rural District Council.	East Shropshire Water Board Order, 1948.	2399	3rd November, 1948.	S. 9	Transfers Council's undertaking to Joint Board.
Wellington (Salop) Urban District Council.	East Shropshire Water Board Order, 1948.	2399	3rd November, 1948.	S. 9	Transfer of undertaking to East Shropshire Water Board.
Wellington (Somerset) Urban District Council.	Wellington (Somerset) Urban (Water Supply—Outside District) Order, 1946.	—	10th October, 1946.	S. 113 P.H.A., 1936.	Supply outside district to New Barn Farm, Runnington, Langford Budville, Wellington Rural District.
Wells Corporation	Wells Corporation Water Order, 1949.	925	13th May, 1949	S. 23	Authorises the continuance of an old pumping station, and the construction of a new well and pumping station in Wells.
Wells Rural District Council	Wells Rural (North Wootton Water Supply) Order, 1947.	—	25th September, 1947.	S. 113 P.H.A., 1936.	Supply outside district to premises in Shepton Mallet Rural District, in the area coloured pink on the map referred to in the order.
Welwyn Garden City Urban District Council.	Welwyn Garden City Urban District Council (Water Supply—Outside Limits) Order, 1947.	—	3rd January, 1947.	S. 11	Supply outside limits at Bishop's Hatfield—see 1945-47 volume page 119.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Wenlock Corporation ... West Cheshire Water Board	East Shropshire Water Board Order, 1948. West Cheshire Water Board Order, 1948.	2399 1976	3rd November, 1948. 26th August, 1948. (1st September, 1948). 22nd August, 1946.	S. 9 ... S. 10 ...	Transfers Council's undertaking to Joint Board. Extends Board's limits of supply.
West Dean Rural District Council.	West Dean Rural (Water Supply— Outside District) Order, 1946.	—	22nd August, 1946.	S. 113 P.H.A., 1936.	Supply outside district to Station House, Symonds Yat, Goodrich, Ross and Whitechurch Rural District.
West Gloucestershire Water Company.	West Gloucestershire Water Com- pany (Thornbury Rural Supply) Order, 1946.	—	31st October, 1946.	S. 11 ...	Supply outside limits—see 1945-47 volume, page 118.
West Hampshire Water Com- pany.	West Hampshire Water Order, 1948.	2530	22nd November, 1948.	S. 33 ...	Repeals the West Hampshire Water Company (Modification of Charges) Order, 1922.
Weston-super-Mare Corpora- tion.	West Hampshire Water Order, 1949. Weston-super-Mare Order, 1945, confirmed by Ministry of Health Provisional Order Confirmation (Weston-super-Mare) Act, 1945. Wey Valley Water Order, 1949 ...	282 9 Geo. 6. c. iii	22nd February, 1949. 10th December, 1945.	S. 10 ... —	Extends the Company's limits of supply. Extends Corporation's water limits and confirms purchase of land and construction of waterworks.
Wey Valley Water Company	Wey Valley Water (No. 2) Order, 1949.	547 1209	24th March, 1949. 24th June, 1949	Ss. 9 and 23 Ss. 9, 10, 23 and 33	Transfers to the Company the Farnham Urban District Coun- cil's water undertaking; varies limits of supply accordingly; and authorises the Company to raise additional capital. Transfers to the Company the Petersfield Rural District Coun- cil's water undertaking; varies limits of supply accordingly; and authorises the Company to raise additional capital.

Whitby Waterworks Company	Wey Valley Water Company (Alton Rural Water Supply) Order, 1949. Whitby Water Order, 1949	—	25th June, 1949	S. 11	...	Supply outside limits—see page 264.
	...	561	25th March, 1949.	Ss. 23, 26 and 33.		Authorises the Company to construct an intake and weir across and to take water from Wheeldale Beck; and amends sections 9 and 22 of the Whitby Water Act, 1928.
Whitehaven Corporation	Whitehaven Corporation Waterworks Order, 1947.	583	18th February, 1947. (24th March, 1947).	Ss. 10, 23, 26, 32 and 33.		Authorises construction of Ennerdale reservoir and lines of pipes and other waterworks, and abstraction of water from Ennerdale Water; applies Third Schedule to Water Act, 1945, to Corporation's water undertaking; extends and redefines Corporation's water limits.
	Whitehaven Compulsory Purchase Confirmation Order, 1947.	—	14th March, 1947.	S. 24	...	Authorises compulsory purchase of land in borough and in Ennerdale Rural District.
	Whitehaven (Water Supply—Outside District) Order, 1947.	—	5th May, 1947	S. 11	...	Supply outside limits at Low Sellafield—see 1945-47 volume, page 119.
	Whitehaven Water Rates (Proportion of Net Annual Value) Determination, 1949.	—	12th February, 1949.	S. 46 of Third Schedule.		Determines as one half the proportion of the net annual value of business premises on which the water rate for a domestic supply shall be calculated.
Whitstable Urban District	Whitstable Urban (Herne Bay Urban Water Supply) Order, 1949.	—	22nd June, 1949	S. 11	...	Supply outside limits—see p. 264.
Whittlesey Urban District	Whittlesey Urban (Water Supply—Outside District) Order (No. 2), 1946.	—	1st May, 1946	S. 113 P.H.A., 1936.		Supply outside district to farm premises in Old Fletton Urban District, in the area shown coloured green on the map referred to in the order.
Widnes Corporation	Liverpool Water Order, 1946	1617	1st October, 1946.	S. 10	...	Reduces Corporation's water limits.
Williton Rural District	Williton Rural (Water Supply—Outside District) Order, 1947.	—	15th January, 1947.	S. 113 P.H.A., 1936.		Supply outside district to fields in Taunton Rural District No. 602 and 604 on the Ordnance Survey map of the Parish of Lydeard St. Lawrence, Somerset, sheet LIX 8, 1904 edition.

Name of undertakers	Titles of Acts and orders	Chapter, S.R.O. or S.I. numbers	Date of royal assent or making (and of operation if different)	Power under which made (sections are of Water Act, 1945, unless other- wise stated)	Short effect
Wincanton Rural District ...	Wincanton Rural (Water Supply— Outside District) Order, 1946.	—	17th July, 1946	S. 113 P.H.A., 1936.	Supply outside district to the area shown coloured pink on the map referred to in the order, the area being in Sherborne Rural Dis- trict.
Winchester Corporation ...	City of Winchester (Water Under- taking) Compulsory Purchase Confirmation Order, 1947. Winchester Corporation Water Order, 1948.	— 61	26th August, 1947. 19th January, 1948.	S. 24 ... S. 23 ...	Authorises compulsory purchase of land at Easton—see 1947-48 volume, page 92. Authorises construction of wells and pumping station at Itchen Valley.
Winchester Rural District Council.	Winchester Rural (Northington) Compulsory Purchase Confirma- tion Order, 1947.	—	22nd November, 1947.	S. 24 ...	Authorises compulsory purchase of land at Northington—see 1947-48 volume, page 93.
Wisbech Waterworks Com- pany.	Wisbech Water Order, 1946 ... Wisbech Water Order, 1948 ...	2211 2135	20th December, 1946. 28th July, 1948 (9th September, 1948).	S. 23 ... Ss. 23 and 26	Authorises raising of additional capital. Authorises construction of intake in river Nar and pumping station; abstraction of water; and increase of capital.
	Wisbech Waterworks Company (Borrowing Powers) Order, 1949.	1217	28th June, 1949	D.R. 56 (1B)	Authorises the company to borrow money in excess of that provided by section 16 of the Wisbech Water Order, 1937.
Wokingham Rural District ...	Wokingham Rural (Water Supply —Outside District) Order, 1946.	—	9th May, 1946	S. 113 P.H.A., 1936.	Supply outside district to premises in Bradfield Rural District in the area shown edged in pink on the map referred to in the order (the area being within the limits of supply of the Mid-Wessex Water Company).

Wolverhampton Corporation	Wokingham Rural (Water Supply) Order, 1947.	—	17th December, 1947.	S. 113 P.H.A., 1936.	Supply outside district to premises in Hartley Witney Rural District, in the area shown coloured pink on the map referred to in the order (the area being within the limits of supply of the Mid-Wessex Water Company).
	Wolverhampton (Coseley) Water Order, 1947.	—	10th June, 1947	S. 11	Supply outside limits—see 1945–47 volume, page 119.
	Wolverhampton Water Order, 1948	805	16th April, 1947	S. 23	Authorises construction of trunk main outside Corporation's water limits.
	Wolverhampton (Seisdon Rural Water Supply) Order, 1949.	—	28th May, 1949	S. 11	Supply outside limits—see page 263.
Woodford Halse Water Company Ltd.	Mid - Northamptonshire Water Board Order Confirmation (Special Procedure) Act, 1949.	12 & 13 Geo. 6. c. ix.	31st May, 1949	—	Transfers Company's undertaking to Joint Board.
Workington Corporation	Workington Water Order, 1948 ...	426	16th January, 1948.	S. 33	Amend section 77 of Workington Corporation Act, 1899 (supply of water to Cockermouth Rural and Urban District Councils) and repeals section 78.
	Workington Water (No. 2) Order, 1948.	915	(27th February, 1948).	S. 33	Repeals paragraphs (e) and (f) of section 8 of Workington Local Board Act, 1883 (payment to Lonsdale Trustees of certain rents).
	Workington Water (No. 3) Order, 1948.	1517	28th April, 1948		Applies certain provisions of Third Schedule to Water Act, 1945, to Corporation's water undertaking; extends Corporation's water limits; re-enacts power to construct mains under Public Health Act, 1936.
Wrexham and East Denbigh Water Company.	Wrexham and East Denbigh Water Company (Hawarden Rural District Supply) Order, 1948.	—	30th June, 1948	Ss. 10, 32 and 33.	Supply outside limits—see 1947–48 volume, page 91.
Yeovil Rural District	Yeovil Rural (Water Supply) Order, 1948.	—	16th June, 1948	S. 11	
...		—	9th June, 1948	S. 113 P.H.A., 1936.	Supply outside district to Lambrook Farm and two farm cottages therewith, Queen Camel, Wincanton Rural District.

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